

The Secretary read as follows:

*Resolved, etc.*, That the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used by the Secretary of Agriculture in exterminating a dangerous pest commonly called the army worm, now devastating crops in various sections of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMITH of South Carolina. Mr. President, I should like to state in that connection that the Secretary of Agriculture wanted a larger amount, but in view of the fact that the joint resolution had passed the other House and come over here, he said he could use the amount thus proposed to be appropriated. I have supplemented the amount in a joint resolution I now present as a separate measure, and I ask the attention of other Senators to it. I ask that the joint resolution I now introduce be read twice by its title and referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 125) making appropriation for checking ravages of the army worm was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 26, 1912, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, July 25, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, whose essence is love, to whom discord, sin, and iniquity are abhorrent, teach us the art of living together in peace and harmony that we may reflect Thy love in the home, in society, in the affairs of state, and be worthy of the gifts Thou hast bestowed upon us, Thy care and protection, boundless love and good will. That Thy kingdom may come and Thy will be done in earth as it is in heaven. Amen.

The Journal of the proceedings of yesterday was read and approved.

### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD, from the Committee on Appropriations, reported a bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 1062) ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

ROBERT W. ARCHBALD.

Mr. FITZGERALD, from the Committee on Appropriations, reported Senate joint resolution 122, providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 1063) ordered to be printed.

### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, and I ask unanimous consent to disagree to the Senate amendments on the bill and—

Mr. MANN. I hope the gentleman will defer his report until later. We have a special order.

Mr. STEPHENS of Texas. I will withdraw the request for the present.

The SPEAKER. We will attend to this as soon as the gentleman from Nebraska gets through with his speech. Under the special order of yesterday the gentleman from Nebraska [Mr. NORRIS] is recognized for one hour, or so much thereof as he desires to use.

### DELEGATES TO CHICAGO CONVENTION.

Mr. NORRIS. Mr. Speaker, when the House adjourned yesterday I was talking about the Federal officeholders in the Southern States in relation to their activity in trying to con-

trol the delegation and the policies of the Republican Party. I had just finished, I believe, giving a list of delegates to the Republican national convention from Mississippi, together with their salaries. I want to continue briefly the consideration of the subject in a continuation of delegates from the Southern States to the national convention. I have, Mr. Speaker, a list of the Republican State central committee of the State of Alabama for last year. This was the committee that conducted the campaign, as far as the Taft Republicans were concerned, for the selection of delegates to the national Republican convention at Chicago. Upon that State committee there were 49 members—46, I believe—and there were not to exceed 6 private citizens on that committee, and I think only 5. I have tried to find out the salary of the different members of that committee, but have been unable to get the salary of all of them; but as near as I can reach a conclusion the salary list of that committee of that State alone amounts to somewhere in the neighborhood of \$50,000. I have examined the list of the Republican delegates and alternates to the Chicago convention from the State of Georgia. Georgia had 26 delegates in that convention, and every man knows there was and will be no possibility of the nominee of that convention or any other Republican convention that will have any show in getting the electoral vote from the State of Georgia. Every white man on that delegation with the exception of one was a Federal officeholder. The combined salaries of the delegates and alternates alone amounted to \$52,000. So I might go on through all the Southern States, with results about the same. If we investigate the salary list of delegates and alternates of Republican committeemen in those States, where in reality there is no Republican Party, it would amount to somewhere in the neighborhood of a million dollars, in my judgment. That is more than these organizations down there are worth either to the country or to the Republican Party.

Let us see what the average Republican delegate to a national convention costs the country. If you will take the delegates from that portion of the South where there is in reality no Republican Party you will find that, on an average, practically every delegate is drawing out of the Treasury of the United States between two thousand and twenty-five hundred dollars per annum. Since the national convention meets only once in four years, this would make the average delegate from this particular section cost the country in the neighborhood of \$10,000. When we consider that under our political methods we can not elect a President of the United States until he is first nominated, we can get some kind of an idea of what must be the power of the political machine that can control this patronage. More than 200 delegates in the Chicago convention were absolutely controlled in this way. We complain against the use of money in politics, and rightly so. We pass laws to prevent it, and rightly so. What would be the outcry if some aspirant for the Republican nomination would boldly announce in the public press that he was willing to pay \$10,000 a vote for delegates coming from this section of the country? And yet, under our system, the man or the machine in control of the party in these States can practically offer that amount for the votes of delegates in the national convention, the only difference being that the payment of the money must be made by the taxpayers through the Federal Treasury.

Mr. AUSTIN. Will the gentleman permit an interruption?

Mr. NORRIS. I will.

Mr. AUSTIN. Speaking about the delegates from the Southern States, does the gentleman mean to include in that statement the delegates from the State of Tennessee?

Mr. NORRIS. No; I do not.

Mr. AUSTIN. I hope, then, he will make the exception.

Mr. NORRIS. I have made no investigation with regard to the Tennessee delegation, and I make no reference to it. Now, the gentleman from Wyoming [Mr. MONDELL], in his speech here yesterday—and you must remember I am going over this subject somewhat at length in answer to what he said yesterday—made the claim that the postmasters and Federal officeholders in Texas were in league to defeat the renomination of President Taft. If there was a Federal officeholder in the State of Texas who had the courage and the nerve to come out in the open and assert his independence and be against the renomination of President Taft, he ought to have a chromo at least, and perhaps a pension.

I want to take up the Texas situation again, with reference to Federal patronage. The manager of the Taft Republicans in Texas, as I have stated, was H. F. MacGregor, and I am going to read from some of his letters that have been printed, and I will read extracts from them as they were printed in Collier's Weekly. Mr. MacGregor had charge of the Taft campaign in Texas. I hear gentlemen around me make some re-

marks about Collier's Weekly not being good authority, but these letters have been published, these particular ones in this particular publication were published on the 8th day of June, 1912, and I have never yet heard them disputed. Why, if the gentleman wants to take the word of Mr. MacGregor, if he will go down and examine the Texas papers, he will find an advertisement inserted in those papers in Texas during that campaign, signed by MacGregor—inserted with his authority—stating in effect that Lyon, the national committeeman, would not be considered any longer as a dispenser of patronage in Washington, and that as soon as President Taft was triumphantly reelected, other men would have charge of the distribution of the political pie.

We forget sometimes that the Republican Party in a good portion of some of the Southern States is only an organization of men holding Federal appointments. Now, this Mr. MacGregor wrote a letter to the postmasters, and I am going to read you an extract of a letter that he wrote to one of them down there. He told him in the beginning of the letter that the postmaster's personal interest, as well as his political interest, was with the Taft Republicans. He says:

I am going to look to you for the result in your precinct particularly, and, as far as your influence extends, to the county convention as well. And I wish you to send to me a list of those that support you in your efforts who may be entitled to special credit.

Would a Texas postmaster know what that meant? Is there any doubt in any reasonable man's mind as to the meaning of that language? But let us consider for a moment the activity of Mr. Brush, who, as I have already explained, was one of the trio who had charge of the Taft campaign in Texas. Remember that the gentleman from Wyoming [Mr. MONDELL] complained of the activity of the Federal officeholders in Texas. See what this man Brush writes to one of the faithful:

Those who are factors in assisting us are the ones that will be recognized when the time comes to shake the "plum tree."

There is no doubt about that language. Federal patronage in Texas being used against the renomination of President Taft? In the same letter he uses this language:

Lyon and the Federal officials have the "fleshpots," and it is up to us to capture them; then we will have some of the good things.

That is significant. Even a Taft Texas Republican would understand that. Let us now see how Mr. James W. A. Clark, the other member of the Taft trio carries on his part of the fight. In a letter written to Mr. Yates, of Forney, Tex., Mr. Clark says:

You, therefore, on receipt of this, proceed to organize your county, appoint precinct chairmen, for the purpose of going into the conventions when called and capture them.

Now, listen:

If you can not capture them, withdraw and hold a convention and elect delegates to county convention, contesting the others, and from county convention to State convention on same lines. Capture, if you can, but do not be captured.

Talk about the holding out of Federal patronage as a reward for political activity! It seems to me that it is demonstrated even in Texas, and every man whether he was a Federal officeholder or not, who was opposing the renomination of President Taft in Chicago, from Texas, was taking his political existence in his hands and jeopardizing it, as these things clearly show.

Patronage in the control of political conventions is one of the great evils of our country, and in this connection in further answer to the gentleman from Wyoming [Mr. MONDELL], I want to refer briefly to the State of Ohio. And in referring to Ohio I want to take it up in connection with Massachusetts. In Massachusetts, where the Roosevelt delegates were elected by a small majority, but where the State went for Taft by a small majority, we found Mr. Roosevelt the next day in an open statement to the effect that in his judgment those delegates ought to comply with the expressed wishes of the Republicans of Massachusetts and vote for Mr. Taft in the convention.

Mr. GREENE of Massachusetts. Will the gentleman yield for a question?

Mr. NORRIS. I will, in just a moment.

Following soon after the primaries in Massachusetts came the primaries in Ohio, and Roosevelt was ahead of Taft there by a plurality of 47,000. And then came the State convention, and we find Mr. Taft sending a dispatch to his manager in Ohio, Mr. Vorys:

I hope my friends will not consider for a moment the suggestion of a compromise in the State convention.

That is the first sentence. I will print the entire dispatch of both of these gentlemen, and I hope I will be able to have them printed in parallel columns, so that every man can read. But the President winds up:

I hope, therefore, that you and my friends will press the contest to the end of the State convention.

Boiled down this means: "The primary defeated me by 47,000, but capture the convention and get the delegates." In

Massachusetts the delegates were technically for Roosevelt, and the dispatch comes:

The vote of the Republicans is in favor of Taft, and you ought to be for Taft.

Now, I yield to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Does the gentleman know the circumstances of the election in Massachusetts when those delegates were chosen?

Mr. NORRIS. I am not going into that. I know what was stated in the newspapers at the time, and have a general idea, the same as I presume anybody else has.

Mr. GREENE of Massachusetts. Let me ask another question. Did those delegates retire from the contest or did they attend the convention and go for Roosevelt?

Mr. NORRIS. They did not retire from the contest; they did not vote for Roosevelt in the convention.

Mr. GREENE of Massachusetts. Did they do anything else in the convention?

Mr. NORRIS. If I had been one of them—if Roosevelt and every other man in the United States had said to me, "Vote for Taft in that convention," I would have disregarded Roosevelt's advice after what happened in Ohio, and said to the Ohio delegates, "I will carry out the wish of the people as expressed in their preferential vote in Massachusetts if you will lay down your machine methods in Ohio and do the same."

This advice Mr. Taft sent to Ohio had good effect. The workers went to work. They went into the convention, and by a small majority, I think, of twenty and something, they captured it and got the delegates for Mr. Taft, and they voted for him and were counted. But what happened? The plum tree that the Texas man spoke of was shaken in Ohio not long ago, and, at least, a portion of these men that were following the commands that emanated from the White House have already received their reward. And the country, in the payment of the salaries, is footing the bill.

Here are the two statements, one from Roosevelt and one from Taft:

STATEMENT OF MR. TAFT AFTER OHIO PRIMARIES HAD GONE AGAINST HIM BY 47,000 PLURALITY.

I hope my friends will not consider for a moment the suggestion of a compromise in the State convention. The votes involved are not necessary to my nomination. I can stand their loss and am content to be beaten in Ohio, but I can not yield my votes by agreement.

The principles that we represent are too important to the country to lose anything by our voluntary concession. I hope, therefore, that you and my friends will press the contest to the end of the State convention.

STATEMENT OF MR. ROOSEVELT AFTER MASSACHUSETTS HAD VOTED FOR TAFT BY A SMALL MAJORITY.

In Massachusetts the ballot contained the names of eight candidates for delegate at large, with printed under each the words, "Pledged to vote for Theodore Roosevelt," and also contained a column in which the voter was to express his preference as to whether I or Mr. Taft should be nominated as President. It would seem unlikely that a majority of the voters would both vote for the delegates pledged to me and at the same time express a preference for Mr. Taft, but apparently this is what has happened. Such being the case, and on the assumption that the preferential vote is for Mr. Taft, I hereby announce that I shall expect these delegates at large to disregard the pledge to support me and support Mr. Taft; and if any one of them hesitates so to do I shall immediately write him and urge him with all the emphasis and insistence in my power to take the course indicated and support Mr. Taft in the convention.

In this fight I am standing for certain great principles which I regard as vital to the present and future welfare of this Nation. My success is of value only as an incident to securing the triumph of these principles. Foremost among these principles is the right of the people to rule and the duty of their representatives really to represent them in nominating conventions no less than in executive or legislative offices. If the majority of the rank and file of the Republican Party do not wish me nominated, then most certainly I do not wish to be nominated.

My aim has been to get the genuine expression of their genuine desire, precisely as, if nominated, I should desire to get at the polls the genuine expression of the majority of the whole people, because my only purpose in being elected President would be to put into effect certain principles and policies in which I ardently believe and which I could not possibly put into effect unless I had behind me the hearty support of the majority of our citizens.

THEODORE ROOSEVELT.



New Mexico furnishes us another illustration of the power of Federal patronage. New Mexico was entitled to eight delegates in the convention. I am informed by Mr. CURRY, the Republican Member of this House from New Mexico, that he attended the State convention of that State, called for the purpose of selecting these eight delegates. The convention was divided between the adherents of Mr. Taft and Mr. Roosevelt. They consulted together and decided to compromise the fight, and they therefore made an agreement that there should be four delegates from New Mexico for Roosevelt and four delegates for Mr. Taft. With this understanding eight delegates were elected, and, while no instructions were given, it was supposed that the understanding by which this compromise had been agreed upon would be carried out in good faith. I have no personal knowledge of this matter. As I have said, I have no information from the New Mexico Representative, who is a Member of this House, and who is now present in the Hall. What happened in Chicago? New Mexico cast seven votes for the renomination of Mr. Taft. Three of the Roosevelt delegates, for some reason, voted for his renomination. It is a peculiar coincidence that since the adjournment of the Chicago convention a relative of one of these Roosevelt delegates who voted for Taft has been appointed United States marshal of that State. It is also interesting to note that another one of these Roosevelt delegates who voted for Taft has himself been appointed receiver of a land office, and is now drawing the salary of that position. Of course, I suppose when Mr. Taft made these appointments he had no knowledge that these men were even members of the Chicago convention. He appointed them very likely entirely upon their merits, but the common ordinary person, like myself, can not help but connect these incidents I have related and reach the conclusion that there may be a possibility that they have some connection with each other.

#### WASHINGTON STATE CONVENTION.

Now, in connection with this patronage proposition that the gentleman from Wyoming [Mr. MONDELL] has raised, I want to go back again to the State of Washington. Yesterday in my remarks I did not discuss the State convention in Washington to any great extent. I discussed the different county conventions and primaries and meetings of different committees that were held, and I am not going over that part of it again.

The chairman of the Republican State committee of Washington was a lawyer, and I judge from my investigations that he was a bright one, too. His name was Beverly W. Coiner. When the delegates commenced to come in at Aberdeen, Wash., there was considerable anxiety, on account, as I explained yesterday, of the Roosevelt fellows, even according to the Taft figures, coming within three of controlling the convention, and something desperate had to be done. This man Coiner was equal to the emergency. From his brain there emanated a rule that he put through the State committee, a rule that provided for the control of the convention—something that has never been done before in a Republican State convention in Washington; and one of the provisions of that rule was that no man should be admitted to the hall unless he had a ticket signed by Beverly W. Coiner. They got possession of the hall, took down the fire escapes, closed the doors, with the exception of one, and stationed policemen there, and admitted no one who did not bear a card with this man's signature on it.

Delegates went there and presented their credentials, and were refused admission and thrown into the street by the police. Few of the Roosevelt delegates knew anything about this rule. No publicity had been given to it. They knew nothing about the issuing of cards. They did not know where to get them, anyway. But the leaders of the party in that State, including the governor, came there that morning and tried to get the two factions to harmonize the difficulty. Finally the men representing the Roosevelt faction, and Coiner, representing the Taft faction, made an agreement that the State convention, which was called to meet at 10 o'clock in the forenoon, should not meet until 1 o'clock in the afternoon, and in the meantime they would try to harmonize these differences.

Notwithstanding that agreement, the Coiner fellows went into the hall under the conditions that I have narrated and held their convention, and nominated delegates and instructed them for Mr. Taft. As I showed you yesterday, there were at least four counties where, in my judgment, there could be no possibility of doubt but that the Roosevelt delegates were legally elected, and any one of those counties would, according to Coiner's own figures, give the Roosevelt delegates control of the convention.

Beverly W. Coiner did well. Let us see what he wanted in the way of patronage. There had been a vacancy in the office of the United States district attorney for the western district of Washington for six or nine months prior to this time. That was one of the peculiarities of this campaign. Appointments to fill

vacancies were held up until after the Chicago convention, when, as the Texas man said, "The plum tree could be shook." This man Coiner was a candidate for appointment to fill that vacancy. He had a duty to perform. It was a difficult task. He had to overcome the expressed will of the Republicans of the State of Washington, expressed by an overwhelming majority. But he made good in his difficult position; the Chicago convention was held, and Washington delegates lawfully elected were thrown out, and the Coiner delegates put in their places.

In furtherance of this particular thing I am going to read you just a little from the CONGRESSIONAL RECORD. I read from the RECORD of July 23, 1912, page 9491 at the top of the first column. It is from the proceedings of the Senate, showing the nominations for office sent by the President of the United States, and I find this:

United States attorneys: \* \* \* Beverly W. Coiner, of Washington, to be United States attorney for the western district of Washington.

Another "plum tree shook." Another man received his reward for his work in the campaign.

Gentlemen, there was a serious crisis at Chicago. The Republican primaries over the country had been going against the President. The machine was determined that he should be renominated, and the bosses were in desperate straits. Something had to be done, and this man Coiner, through the ingenuity of his fertile brain, coined one of the links in the chain that made possible the stealing of the delegates at Chicago.

Now he has received at the hands of the man for whom he did the work the pay for the job, and the taxpayers of the United States have to foot the bill in the payment of several thousand dollars a year for his salary.

These men at Chicago, the machine politicians and the bosses, saw the handwriting on the wall. They knew that something had to be done. They saw the torn and shattered fragments of their political machine wafted and washed upon the rocks and shoals of disaster and defeat by the maddening waves of an outraged public opinion [applause], and they knew that they had to do something to save their own bacon. Coiner helped to carry out the deal, and Coiner has received his reward.

Patronage, as I have said, is one of the great evils. The gentleman from Wyoming [Mr. MONDELL] can not distract the attention of the public from the real party who has the stolen goods by his cry of "Stop thief," directed to the officeholders of Texas. I believe that the time will come—God grant that it may come soon—when the man who controls a convention or a nomination by the bribery of patronage will be held in the estimation of the American people to be just as guilty as the man who bribes by the payment of the cold cash. [Applause.] When that time comes the political boss will be standing upon his political St. Helena, looking across the sad waves at disappearing worlds that once were his and whose people formerly bowed down before his throne in humility and submission.

The activity of Federal officeholders on behalf of the renomination of President Taft has been no secret. They were active everywhere, and used their influence everywhere, but in some localities in the South they completely dominated and controlled the situation. The evil of political control by patronage is not confined alone to the officeholders themselves. Many of the political bosses do not occupy public positions. They get their pay not directly from the Federal Treasury but by the control of appointments; they receive their compensation in thousands of devious ways by the favor extended to them through public officials who hold official positions on account of their recommendation. Political machines could not live over night were it not for the wonderful power of patronage. The use of patronage to bring about the renomination of President Taft was known of all men. Its evils smelled to Heaven. I know, the gentleman from Wyoming knows, the Speaker knows, the House knows, the country knows, and God knows that without the power of political patronage the renomination of President Taft at Chicago would have been as impossible as the passing of a camel through a needle's eye.

#### REGULARITY.

But it is said by the gentleman from Wyoming and others that all these things were regular. Well, there was a regularity in the stealing of delegations in Chicago that was remarkable and amazing. [Applause.]

But regularity of that kind is bound to bring destruction and defeat to any party that permits it to be practiced in its name. [Applause on the Democratic side.]

Great Britain in Revolutionary days passed laws against the colonists of America, which laws were perfectly regular, but our forefathers refused to submit to them. Slavery before the war was regular, but Abraham Lincoln issued his Emancipation Proclamation just the same. The money changers in the temple at Jerusalem were regular, but Christ drove them out. Regularity of that kind can have no proper place in the history of



our country or in the history of any party. It is a sad example to set before the rising generation. Its effect will be detrimental to the preservation of liberty and of government.

Mr. Speaker, I want to take up the State of Arizona; but before I do that I want to offer just a little more evidence in the Washington case.

#### WASHINGTON AGAIN.

In the city of Spokane, Wash., is published the *Spokesman-Review*, one of the leading daily papers of our country, perhaps the paper of largest circulation in the State of Washington. It has been an ardent admirer and supporter of President Taft. It stood with him all the way through until the work at Chicago got so raw that it could not stand for it. It might be interesting to Members and to the country to know what a paper like that, a friend of Taft, that had always been his supporter, had to say of the proceedings where delegates were stolen in one of the largest cities of the State of Washington.

On May 13, which was just before the State convention, that paper editorially said:

The duty of the State Republican convention on contesting delegations is clear—no hand-picked delegation must be recognized.

The so-called Taft delegation from King County must not be seated. Here is a delegation of 121 men, headed by ex-Senator John L. Wilson, Richard A. Ballinger, and ex-Senator Piles, selected by a King County Republican committee. No small body of men in any party should be allowed to say who shall be the delegates from any county to determine at the State convention the presidential candidate favored by the State of Washington. The party machinery provides for a primary vote, and such a vote was taken by the properly constituted central committee of the Republican Party in King County. The King County Republicans in that primary plainly expressed their preference for Col. Roosevelt as the presidential nominee, and in the face of such an expression it would be an outrage to seat the Taft hand-picked delegation.

This editorial is all along the same line—a warning to that Republican convention that no Republican could stand for what it seemed was the intention of this man Coiner to do, backed by the State committee. This editorial closes with these words:

The great thinking body of Washington Republicans having declared for Col. Roosevelt, the duty of the Republican convention on Wednesday at Aberdeen is plain—the State must send to the national convention a delegation instructed for Col. Roosevelt.

All talk of compromise emanating from the Taft forces is puerile. There is nothing to compromise. Col. Roosevelt has carried the State; he is entitled to the fruits of his victory.

That same paper in its edition of May 16, 1912, used this language editorially:

The holding of two State Republican conventions in Aberdeen yesterday was not unexpected. The position taken by the State Republican committee left no alternative, and the policy pursued by the Roosevelt delegates will be commended by all fair-minded members of the Republican Party in this State. It should also receive the indorsement of the Republican national committee when it meets in Chicago in June.

Again, in its issue of May 18, editorially it uses this language:

A great responsibility has been placed on the Republican national committee. This committee, when it meets in Chicago next month, will have the very existence of the Republican Party in its hands. To date there are contested delegations to the national convention from 18 States. These delegations include that of Washington, the contest over which the people of the State are familiar, and in its final adjudication are acutely interested.

It is evident from the tenor of the feeling prevalent over the high-handedness of the Washington Republican committee that the mass of Republicans are not going to sit supinely and allow the political burglary of its delegation to be consummated before the Republican national committee. No halfway solution will be satisfactory.

The Taft machine leaders will, of course, be quite satisfied if the two delegations from Washington are seated in the national convention with one-half a vote each.

Now I will read from an editorial in the same paper dated May 19, 1912:

The *Spokesman-Review* has not changed its opinion respecting President Taft. It believes him to be an honest, capable, conscientious man and a fearless official. His one weak point is in his judgment of men, and some of his advisers have fooled him.

The President is at the parting of the ways, because on the action of the Republican national committee—the headpiece of the party machinery of the Nation—will depend his reelection if he secures a renomination.

The candidate nominated in the Chicago convention must have the backing of the votes of Republicans. Hand-picked delegations by central committees must not be given preference over delegates elected at properly constituted primaries.

#### ARIZONA.

As I said, the State committee of Arizona met and issued a call for a State convention. Arizona was entitled to six delegates in the national convention, and that call provided that those delegates to the State convention might be selected in any one of three different ways that were named in the call, as follows:

1. Selection by the county committee.
2. The county committee might provide for a primary, at which delegates were to be selected to the county convention, which in turn should select delegates to the State convention.
3. The selection by direct primaries of the delegates to the State convention.

#### MARICOPA COUNTY.

As the gentleman from Wyoming [Mr. MONDELL] has said, the contest in this State depended mainly upon the contest from Maricopa County. It had been the custom of the Republicans of Maricopa County for 20 years to call primary elections, and this committee had met, according to the call, for the purpose of determining what action they should take.

As the gentleman from Wyoming [Mr. MONDELL] said, there were first a contest over some proxies. The Taft men objected to proxies, and they had considerable trouble over it, but in the end the proxies were eliminated. The Taft men had their way, and that committee, by a very close vote on a roll call, 22 to 19, decided to hold a primary. They held that primary under that call, and there were cast at that primary 951 votes for Roosevelt and 11 for Taft. The vote in that primary was 80 per cent of the highest vote that had ever been cast in that county at a Republican primary. There were men who were kept away without doubt. I do not deny that. I believe that is true, because the Taft men persuaded men to stay away from the primaries. That is common with that faction in the Republican Party. They do not like primaries, and they know as a rule they get the worst of it when they get into primaries. That is the way the Roosevelt delegates were selected from that county.

Let us see how the Taft delegates were selected. They were picked in a closed room, at a meeting of a minority of the county committee, which was conclusively proven before the committee on credentials at Chicago, to which was presented a statement of 30 members of that committee, constituting a large majority of the committee—a written statement—that none of them had attended that secret meeting and none of them had given a proxy to any other man to attend that meeting. But, notwithstanding that, the State committee of Arizona, controlled by the Taft influences, threw out the Roosevelt delegation and made up a temporary roll—another thing they had never done in that State. They met in advance and made up a temporary roll, and put these Taft delegates from Maricopa on it, and they voted on the organization of the convention and on everything else that came before the convention.

#### COCHISE COUNTY.

But there was another contested delegation in the Arizona State convention. It came from Cochise County. This county had a membership of 80. In this county the committee decided to select the delegates, which, it will be remembered, was allowable under the call issued by the State committee. At this meeting of Cochise County committee there were 69 members present, either in person or by proxy. Thirty-three Roosevelt members were present in person and 13 Roosevelt members were present by proxy. There were 9 Taft members present in person and 14 Taft members holding proxies.

The Taft men bolted from the committee. This meeting was held on the 15th day of May, being the day that was specifically provided in the State call, that the committee should first meet and decide how it should select its delegates. This call of the State committee provided that if on that day the committee decided that the delegates should be selected by the committee, then the committee should adjourn until the 25th of May, upon which day it should reassemble and select the delegates. The committee of this county decided to pursue that course, and on the 25th day of May they reassembled. At this meeting there were 47 members of the committee present, either in person or by proxy, and they elected Roosevelt delegates to the State convention. The Taft members who had bolted at the previous meeting of the committee selected Taft delegates to the State convention.

#### ARIZONA STATE CONVENTION.

The State committee, without any authority, as I have before stated in reference to Maricopa County, made up a temporary roll, and they decided that from Cochise County both the Taft delegates and the Roosevelt delegates should be seated and that each delegate should have one-half vote. In the State convention there was a split, the Roosevelt delegates insisting that the action of the State committee in throwing out the delegates elected at the primary in Maricopa County was illegal and that the Roosevelt delegates from that county were entitled to seats in the convention. There were two conventions held in the same hall, at the same time, each having a chairman on the same platform. The Taft faction elected Taft delegates; the Roosevelt faction elected Roosevelt delegates. In the convention, under the State call, there were 96 delegates entitled to seats. If we give to the Roosevelt faction the delegates from Maricopa County—as I believe any fair-minded man must admit we ought—then there were 54 Roosevelt delegates in the convention and 42 Taft delegates. Notwithstanding this state of facts, the national committee, following its usual custom, seated the Taft delegates.



## THIRTEENTH INDIANA.

I now come to the thirteenth Indiana, and there is a peculiar condition of affairs. The gentleman from Wyoming [Mr. MONDELL] said that he believes a majority of that convention were Roosevelt delegates and in favor of selecting Roosevelt delegates to the national convention; but he said there was so much noise and disturbance there that the chairman had to conduct the proceedings through a megaphone. The chairman was a Taft man. Both sides agree to that and both sides agree that a majority of the convention were in favor of Roosevelt. Both sides agree there was a good deal of turmoil and disturbance. Let us see. The Roosevelt men lost out because they made so much noise they could not do business. What a reasonable proposition! Men in the majority in a convention bringing in brass bands, yelling and whooping and making noise so that no business could be done, so that the other fellows could win out! That is a reasonable proposition. The gentleman from Wyoming says that he went on that committee, and when he got to the thirteenth Indiana he thought "Here is a place where I can do something for Roosevelt"; but it seems his courage failed him, as usual. The facts are that this chairman, when the motion was made to elect a certain set of Taft delegates, through his megaphone—the band being under his control—put the question, and some voted aye and some voted no. He then declared it carried. The Roosevelt men were demanding and urging and calling for a roll call, but the chairman paid no attention to that. The band was making too much noise. The majority of the convention were disturbing him too much. Then that motion was followed by a motion to adjourn, and the chairman put that. He paid no attention to the demands for a roll call made by Roosevelt delegates, and he declared the motion carried and, with his Taft adherents, walked out of the hall. That is what happened in the thirteenth Indiana.

There was a statement presented to the committee by ex-Senator Beveridge, signed by a majority of the delegates to that convention, in which they stated that upon that motion to elect Taft delegates they all voted no. The Roosevelt delegates refused to submit to this arbitrary action, and remained in the hall and elected two delegates and instructed them for Roosevelt.

Mr. Speaker, I might go on with several others, but I am going to make a few observations during the balance of my time and try to close within my limit.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. COOPER. I have just been discussing with the gentleman from North Dakota [Mr. HELGESEN] the statement of the gentleman from Nebraska as to the vote in that county in Arizona—Maricopa. Do I understand the gentleman to say that there were 900 votes cast there for Roosevelt?

Mr. NORRIS. Nine hundred and fifty-one votes for Roosevelt and 11 for Taft.

Mr. COOPER. And what percentage of the Republican vote ever cast in that county was the 951?

Mr. NORRIS. It was over 80 per cent of any Republican primary that had ever been held in the county, and they had been holding them for 20 years.

The gentleman from Wyoming [Mr. MONDELL] took considerable time to explain how prejudiced he was in favor of Roosevelt. Those of us who have served with him here in the House for the last 10 years had to smile when he made that observation. We all know that from the time Mr. Roosevelt, who was then President, promulgated his so-called conservation policy and theories the CONGRESSIONAL RECORD has been full of criticisms of the worst kind administered to Mr. Roosevelt by the gentleman from Wyoming. If Col. Roosevelt has many such friends as the gentleman from Wyoming, God help him.

The gentleman in an outburst of enthusiasm said yesterday, in speaking of the contests where the Roosevelt men had demanded a little more time, "They had as much time as we did." Think of that from a judge on the bench! Oh, upright judge; oh, unprejudiced chancellor, who, while he is a judge in the case, unintentionally gives expression to a sentiment which strongly indicates that he is a bitterly biased advocate of one side rather than a judge of unbiased temperament.

## KING COUNTY AGAIN.

I want to call attention to what the gentleman from Wyoming, in revising his speech, printed in the RECORD regarding the primaries in King County, Wash. In substance, he stated in his address that one of the reasons why the primary in King County should not be recognized was that no one knew for a long time how many votes had been cast. There seemed to be, according to his idea, something mysterious about the primary, and he argued that because of this the primary was therefore fraudulent. He did not even claim that a single solitary fraudulent vote was cast. The statement he printed in the

RECORD was from a Taft paper, and which was very bitter against the primary. This primary was held on Saturday. The polls did not close until 8 o'clock at night. The extract from this paper was from its Sunday edition, and we learn that up to the time it went to press, which could have been only a few hours after the polls closed, the returns at that early hour showed not only that the gentleman from Wyoming was wrong in trying to convey the idea that very few people participated, but that he was also wrong in trying to convey the idea that there was anything concealed or mysterious about the primary. If you will take the figures from this very statement in this unfriendly paper, you will find that within these few hours after the closing of the polls nearly half of the precincts had reported and that the public knew what the result was, and if the vote from the precincts that had not reported at that hour compared in number with those that had reported, you must reach the conclusion that even from the statement of this unfriendly paper there were as many votes cast as I have claimed.

## CONCLUSION.

I have now gone over the contests involving the seats of 46 delegates in the national convention at Chicago. I have not, however, exhausted the subject. There are a few other cases as plain as these that I have gone over. Then there are between 20 and 30 cases not as plain, but in which I am firmly convinced and believe any unbiased mind, upon investigation, would be convinced that the vast preponderance of the evidence is in favor of the Roosevelt delegates. But I will not weary the House with further details. It was only necessary to show that 19 Taft delegates were illegally seated in order to demonstrate that his pretended title to this alleged nomination is absolutely null and void. I have already gone much further than that. It logically follows, therefore, that no Republican is under any party obligations whatever to support Mr. Taft for President.

Mr. Speaker, I believe that a majority of the delegates to Chicago were in favor of the nomination of Mr. Roosevelt, and I believe that it was a majority of the delegates that afterwards met in Orchestra Hall and placed him in nomination, and that he is the only legal and lawful nominee of the Republican Party to-day. I shall print in the RECORD a copy of the resolution that was adopted placing him in nomination.

I have not sought this contest, Mr. Speaker. I would have been very glad to have avoided this responsibility or to have had it placed on other shoulders than my own. I had no disposition to air this controversy, and I regret it as much as any man in the House that the gentleman from Wyoming saw fit to open it up. As he said, he was urged to do so by others. There is no doubt he was selected to place before the country the Taft side of the proposition; and, considering the case that he has, he did remarkably well. I would not have opened up this sore; but since it was opened up I was in favor of cleaning it out. I realize that what I have said and the course I have taken will bring down upon my head a great deal of criticism and censure.

It has been an unpleasant task for me for the last two or three years in this House to often be arrayed against the leaders of my own party. I have been opposed to political machines, to boss control, and to caucus rule, and it seemed to me it was my duty to proclaim what I believed to be right and to expose what I believed to be wrong just as quick when I find it in my party as though I found it in some other party. I want to say it has been sometimes a discouraging proposition. I know that I have lost many friendships, both on the floor of the House and in my State, but I would rather go down to defeat and into oblivion than to ride forever on the wave of victory with a guilty consciousness of having even by my silence given approval to what happened in Chicago, when in my heart I honestly believe it to be one of the worst political highway robberies that has ever been committed in this country. [Applause.] I want to close by expressing my sentiments and my feelings by using the words of the immortal Lincoln:

I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody who stands right, stand with him while he is right and part from him when he goes wrong.

[Loud applause.]

As stated in my remarks, I file herewith, to be printed in the RECORD, the resolution nominating Mr. Roosevelt as the Republican candidate for President, passed at the Orchestra Hall meeting in Chicago. Said resolution is as follows:

We, delegates and alternates to the Republican national convention, representing a clear majority of the voters of the Republican Party in the Nation, and representing a clear majority of the delegates and alternates legally elected to the convention, in meeting assembled, make the following declaration:



## DEEM IT DUTY TO ACT.

We were delegated by a majority of the Republican voters of our respective districts and States to nominate Theodore Roosevelt in the Republican convention as the candidate of our party for President and thereby carry out the will of the voters as expressed at the primaries. We have earnestly and conscientiously striven to execute the commission intrusted to us by the party voters.

For five days we have been denied justice in the national convention. This result has been accomplished by the action of the now defunct national committee in placing upon the preliminary roll of the convention and thereby seating upon the floor of the convention a sufficient number of fraudulently elected delegates to control the proceedings of the convention. These fraudulent delegates have by concerted action with one another put themselves upon the permanent roll, where they constitute an influence sufficient to control the convention and defeat the will of the party as expressed at the primaries.

We have exhausted every known method to head off this conspiracy and to prevent this fraud upon the popular will, but without success.

## "WE'RE DENIED JUSTICE."

We were sent to this convention bearing the most specific instructions to place Theodore Roosevelt in nomination as the candidate of our party for President, and we therefore deem it to be our duty to carry out those instructions in the only practical and feasible way remaining open to us: Therefore, be it

*Resolved*, That we, representing the majority of the voters of the Republican Party and of the delegates and alternates legally elected to the national Republican convention, in compliance with our instructions from the party voters, hereby nominate Theodore Roosevelt as the candidate of our party for the office of President of the United States; and we call upon him to accept such nomination in compliance with the will of the party voters; and be it further

*Resolved*, That a committee be appointed by the Chair to forthwith notify Col. Roosevelt of the action here taken, and request him to appear before us in this hall as soon as convenient.

I ask to have printed also in the RECORD a statement of several of the contest cases which I have discussed, prepared by Hon. H. E. Sackett, of Nebraska, who was a member of the committee on credentials at the Chicago convention, as follows:

## THE ARIZONA CONTEST.

The Arizona contest turns on the outcome of the election held in Maricopa and Cochise Counties.

The State committee of Arizona issued a call for the State convention to be held in Tucson on June 3, 1912, for the purpose of selecting six delegates to the Republican national convention at Chicago.

This call provided three methods of choosing county delegates to the convention:

First. The selection by the county committee.

Second. The county committee might provide for a primary, at which delegates were to be selected before the county convention, which in turn should select delegates to the State convention.

Third. The selection by direct primaries of the delegates to the State convention.

The choice of methods was left with each county for itself, the State call providing that the county committees should meet on May 15, and severally to determine what method they should adopt; if by appointment by a committee, appointment would be made at a meeting of the committee to be held on the 25th of May; if the selection was to be by primaries, the primaries would be held on the 25th of May.

## AN OLD RULE.

It has been the custom and rule for 20 years of the Republicans of Maricopa County to select their delegates by primaries. On the 15th of May the county committee duly and the credentials committee duly and legally appointed threw out all proxies offered by both sides, for the reason that some were disputed, others conflicting, and one had gotten into the hands of a person to whom it was not directed. The committee meeting was therefore confined to the committeemen actually present, and representing a large majority of the total membership of the committee. This committee by a vote of 20 to 19 ordered primaries to be held, appointed a committee to arrange therefor; the votes were all by roll call, and all of the minority voted and two members of the committee favorable to President Taft joined with the Roosevelt forces in voting for the primaries.

The primary election thus ordered was conducted with the greatest care and regularity and resulted in a vote of 951 for Roosevelt and 11 for Taft. The total vote cast was 80 per cent of the maximum vote ever cast in Maricopa County at a Republican primary election and resulted in the election of 20 delegates to the State convention instructed for Roosevelt by the vote above stated.

## PICKED IN CLOSED ROOM.

The alleged Taft delegates from Maricopa County were picked in a closed room at a meeting of a minority of the county committee, which was conclusively proven before the credentials committee at Chicago, to whom there was presented a signed statement of 30 members of the county committee of Maricopa County, a strong majority of that committee, that they did not attend the so-called committee meeting that selected the alleged Taft delegates either in person or by proxy.

In Cochise County the facts as presented were as follows: A county committee met on the 15th of May, 69 members present out of a total membership of 80 either in person or by proxy. Of this number 33 Roosevelt members were present in person and 13 Roosevelt members were present by proxy. There were 9 Taft members present in person and 14 Taft members present by proxy.

The chairman and secretary, both Taft men, after the meeting had been legally opened, bolted, taking with them 7 Taft committeemen and 14 proxies. The remaining committeemen, constituting a majority of the committee, went on with the meeting in regular order, elected a chairman and secretary and resolved that the delegates to be selected to the State convention at a meeting to be held on the 25th of May, be elected as provided in method No. 1, as authorized by the call of the State committee.

At a meeting held on the 25th of May 47 members of the county committee were present in person or by proxy and constituted more than a majority of the membership of the committee and unanimously elected 16 Roosevelt delegates to the State convention. The Taft minority committeemen who bolted the first meeting did not attend the second meeting of the committee.

## DOMINATED BY TAFT MEN.

We now come to the State convention of Arizona, at which the delegates to the Republican national convention were selected. The executive committee of the State central committee was completely dominated by Taft men, and shortly before the State convention this executive committee gave notice that it would meet on the 1st of June (the State convention to meet on the 3d of June); that credentials should be filed with it, and it would determine contests for the purpose of preparing a roll call for use in effecting a temporary organization of the State convention.

The evidence shows that the action on the part of the committee was unprecedented and wholly beyond the authority and power of the committee, either by law, custom, or rule of the State committee.

The Roosevelt delegates to the State convention, of course, refused to submit the question of the regularity and fact of their selection to a body wholly without authority to act in the matter. It was also proven that the State committee of Arizona had never before assumed such power.

When the chairman of the State committee called the convention to order on June 3 he proceeded to read a roll of those whom the State committee, without authority, had determined should take part in the temporary organization, and arbitrarily disqualified the Roosevelt delegates elected in the primaries from Maricopa County and seated the Taft delegates, who had been appointed by a minority of the Maricopa County committee, and gave a half vote each to the Roosevelt and Taft delegates from Cochise County, who had been elected in the manner herein set forth, and thus attempted to secure control of the State convention.

## DELEGATION IS SPLIT.

The Roosevelt delegates naturally refused to submit to this illegal action, and the State convention split in two factions, each faction holding conventions simultaneously in the same hall, with their presiding officers on the same platform. The total membership in the State convention was 96, of which 49 was a majority.

There were present 54 delegates favoring Col. Roosevelt who were regularly and legally elected, constituting a majority of the State convention, who elected to the national convention 6 Roosevelt delegates who, upon a contest by the Taft forces, were unelected by the national committee and the credentials committee and Taft delegates seated in their stead and placed upon the temporary roll of the national convention.

Notwithstanding these facts which were presented to the national committee and also to the credentials committee, the evidence was ignored and the Taft delegates seated in the convention.

## THE FACTS IN CALIFORNIA CASE.

On December 12, 1911, the Republican national committee issued a call for the Republican national convention to be held at Chicago, Ill., June 18, 1912.

In January, 1912, the Legislature of the State of California passed a direct primary law which, in substance, provides, among other things, that delegates to the national convention of political parties should all be elected at large. This law was unanimously passed by both branches of the legislature and was accepted by all parties; all of the candidates ran under the provisions of this law, and all votes were cast in accordance therewith. The Taft faction accepted its provisions and made no objection to entering into the contest under this law. Neither did the Taft people make any attempt to conduct a primary in any other manner, and made no protest against the law.

The undisputed evidence before the credentials committee shows that the law for the election of all the delegates to the national convention, at large, was expressly accepted in writing by the Taft organization.

The primary was held on the date specified in the call and strictly according to the law, and resulted in the election of all of the Roosevelt delegates, 26 in number, by majorities averaging over 70,000, and Taft newspapers and Taft candidates accepted the results of this election.

Certificates of election were issued to the Roosevelt delegates by the secretary of state, and were the only certificates issued to or presented to any delegates from California.

After the primary election was held and the certificates of election issued the Roosevelt delegates, by the proper authority and without objection by the Taft representatives, a contest was filed against 2 of the 26 delegates, before the national committee, which committee unelected 2 Roosevelt delegates, and placed in their stead 2 Taft delegates (who resided in the city of San Francisco, of which the fourth congressional district is a part, the boundaries of the fourth congressional district being uncertain, overlapping another district), on the pretext that the Taft delegates had received a majority of the votes in that district.

The evidence before the credentials committee disclosed that this congressional district in question was a new district which cut through the middle of 14 precincts of an old district. In these 14 precincts 1,685 Republican votes were cast, the 3 Roosevelt candidates for delegates, who resided in this district, received 701 votes, and the highest vote received by any 1 of the 3 Taft candidates was 685 votes, giving in these precincts a majority of 16 votes to the Roosevelt delegates.

Affidavits from the registrar of votes and the secretary of state of California were presented before the credentials committee, stating that it was impossible to determine which delegate received a majority of the votes cast within the boundaries of the fourth district, because of the overlapping of the precincts.

In the vote in the whole city of San Francisco, which comprises the fourth and fifth congressional districts, the Roosevelt candidates received an average of 21,500 and the Taft candidates 18,250.

Notwithstanding the facts as thus presented, the national committee arrogated unto itself the power to nullify the law enacted by the California Legislature, and to set aside the decision of the voters of the State of California under said law by an expressed majority of over 76,000.

The California law as enacted by the legislature was prepared before the call of the national committee was issued, and was passed before an official copy of that call was received in California. The primary law of the State of California regularly enacted by its legally authorized officers and approved by the people of California was deliberately set aside without a scintilla of evidence or authority of law. If such action is permitted to stand it will operate as a nullification of the right of the people by direct vote to determine party nomination by the vote of party members.



## THE TEXAS CASE.

The law of the State of Texas relating to elections and conventions as applied to the selection of delegates to national conventions provides, in substance, that "any political party desiring to elect delegates to a national convention shall hold a State convention at such place as may be designated by the State executive committee of said party on the fourth Tuesday of May, 1908, and every four years thereafter. Said convention shall be comprised of delegates duly elected by the voters of said political party in the several counties of the State at primary conventions to be held on the first Saturday in May, 1908, and every four years thereafter."

The evidence introduced before the credentials committee was that the State executive committee met on March 28, 1912, and in compliance with the State law issued a call providing for the holding of primary elections and conventions on the 4th day of the following May, to elect delegates to county conventions, to be held on the 17th of May, the county conventions to elect delegates to the State and congressional conventions. The State convention, to be held at Fort Worth on May 28, to elect delegates to the national convention at Chicago. Primary elections and conventions were held on May 4, as specified by law, and delegates elected to the county conventions. The county conventions were held on May 17, and, in accordance with the call, elected delegates to the State and congressional conventions. Notice of these elections and conventions was given as required by law.

The Republican State committee convened on May 27, one day before the State convention, as required in the call, to hear and pass upon contests and to prepare the temporary roll of the convention. Credentials of delegates claiming seats in the State convention were all submitted to the committee from 208 of the 249 counties in the State. (The original credentials were introduced before the credentials committee of the national convention and were shown to be properly attested and sworn to by the chairmen and secretaries of the various county conventions.) The 41 counties which were not represented were those not organized under the State law or not organized under the rules of the State executive committee or failed to present credentials properly attested. Out of the 249 counties contests were shown to have been made in only 17 counties.

The State committee, on which were both Taft and Roosevelt men, by a unanimous vote referred these contests to four subcommittees, each composed of both Roosevelt and Taft representatives, and assigned for hearing to three of said subcommittees four counties each, and to the other five counties, and then took an adjournment for three hours to permit these committees to hear the contests. The subcommittees, after hearing the evidence in the contests, reported in due course to the State committee. The report of three of said committees was unanimous, and in the other one a Taft member presented a minority report differing from the finding of the majority of said committees on only two counties. The reports of these committees were signed by the members of the subcommittees and were attested by the secretary of the State committee.

Of the 17 contests considered by the subcommittees, the entire Taft delegations were seated from four counties and one-half of the Taft delegation and one-half of the Roosevelt delegations from four counties and the Roosevelt delegates from nine counties. The State committee, by a vote of 28 to 2, accepted the regular credentials filed with said committee and adopted a temporary roll call, as provided by the State committee, 3 of the 28 constituting the majority being Taft men. Two members of the State committee gave notice that they would present to the State convention a minority report. No evidence was introduced by either side before the credentials committee of the national convention that said minority report was ever presented to the State convention. The State convention, in accordance with the call, convened at the Savoy Theater in the city of Fort Worth at the time and place designated therein for the holding of the convention. The report of the majority of the State executive committee, which included the three Taft members, was unanimously adopted by the convention on a roll call.

Out of 249 counties in the State, 27 were instructed for President Taft; 12 of these counties were represented and took part in the convention. The State convention, thus organized, elected delegates to the national convention instructed for Roosevelt by a vote of 1623 to 133. It might be of interest to here state that an uncontested district delegate and a Taft delegate was present before the credentials committee and made a statement in support of the facts presented by the Roosevelt delegates. It was further established before the committee on credentials that all of the proceedings leading up to the State convention and the selection of the delegates to the national convention which were instructed for Roosevelt were strictly in accordance with the State laws of Texas and the call for the convention.

The only evidence introduced on behalf of the Taft delegates was that some of the Taft delegates to the State convention held a meeting in a room in Fort Worth other than the place designated in the call; that but a small minority of the counties of the State were represented—it should be remembered that 13 of the 27 counties instructed for President Taft were present and took part in the regular convention at which the Roosevelt delegates were elected. It was claimed that the reason for the meeting was because they did not agree with the action of the State committee, as it was controlled by the national committeeman from that State and that he had used his influence for Roosevelt. It did not appear that any notice of any kind of the time or place of this meeting was ever given or published, credentials filed, or roll call of the counties presented. It was at this meeting that the delegates for President Taft to the national convention were elected and on the proceedings and actions of which they asserted their rights to seats in the national convention. It was upon the evidence as herein stated that a majority report of the credentials committee at Chicago to seat the Taft delegates at large was adopted.

In the matter of the district contests from Texas the facts were very brief and as presented before the credentials committee are substantially as follows:

The seventh congressional district comprises eight counties; six of these counties were carried by Roosevelt and two for Taft. At the meeting of the congressional executive committee the chairman refused to recognize four Roosevelt members of said committee. No reason was given for his action. These members whom he refused to recognize had been elected as original members of the committee or appointed to fill vacancies, as provided by law. Regardless of the action of the chairman, the delegates from six out of the eight counties held a convention and elected Roosevelt delegates to the national convention. The Roosevelt delegates had a clear majority. They were unseated by the credentials committee.

The fifth district is composed of five counties. There were five members of the congressional committee, three of whom were Taft men.

The committee thus constituted seated the Roosevelt delegates from three counties at the district convention. The delegates who were unseated from two of these counties organized a separate convention and elected Taft delegates. One of the counties regularly instructed for Taft took part in the regular convention which elected the Roosevelt delegates. The national committee and credentials committee unseated the two Roosevelt delegates from this district.

The eighth district comprises nine counties. Six of the nine were carried for Roosevelt. Two of the counties which were for Taft booted the regular convention and held a separate convention, electing Taft delegates. The regular convention, which was legally called and held according to call, and in which seven counties participated, elected Roosevelt delegates. Upon this evidence the national committee and credentials committee unseated the Roosevelt delegates and seated the Taft delegates.

The fourth district is composed of five counties. At a meeting of the congressional committee on May 17, 1912, there were two contests presented by delegations from two precincts, which had been refused admission to the county convention of their respective counties. The congressional committee refused to sustain their contest. The convention was then organized, and four out of five counties participated. Roosevelt delegates were elected.

At another time and place, subsequent to the regular convention as above set forth, the one county which did not take part in the regular convention, together with the delegates from the two precincts which were denied admission on their contest to the regular convention, held a convention and elected Taft delegates. It did not appear that any of the Taft delegates to the regular county convention booted or made any objection at the time the regular convention was held; but the credentials committee, following its usual custom, in the face of the evidence, seated the Taft delegates.

In the ninth district the regular congressional chairman of the district called the convention in the regular way, and a majority of the delegates in the district took part in the convention and was recognized by the executive committee of the district as regular. Roosevelt delegates were elected at this convention. Another convention was called by a chairman of one of the counties in the district, who had no authority for his act. Taft delegates were elected. Regardless of such gross irregularity and in the face of such flimsy pretext, the credentials committee seated the Taft delegates.

The tenth district comprises 8 counties. The congressional convention was regularly called, was participated in by all counties in the district. A Taft man, member of the State committee, took part. Roosevelt delegates were elected. The delegates from 23 counties booted and held a convention. The Taft delegates elected at this latter convention were seated by the credentials committee.

There are 14 counties in the fourteenth district. The congressional executive committee, 1 from each county, had only 1 contest brought before it. This was from Bear County. Both the Roosevelt and Taft delegates were seated. Each delegate had one-half vote. The Taft delegation from this county, together with the delegates from 2 other counties of the 14, booted the regular convention and elected Taft delegates. The other 11 counties held a convention under the call of the congressional committee and at the time and place designated held the regular convention. Roosevelt delegates were elected. On the evidence thus presented the credentials committee, with due deliberation but with customary certainty, seated the Taft delegates. As a sidelight on the deliberations of the committee on the Texas case, we consider the following incident both of interest and instructive. The regular member of the committee from New York did not sit on the committee during the presentation of the evidence but was represented by another member from his State as his proxy, who after hearing the evidence signified his intention of voting to seat the Roosevelt delegates in the convention. This unusual condition of mind was discovered by the Taft leaders in the committee and the original member of the committee hurriedly called, and without having heard the evidence promptly voted to seat the Taft delegates.

## FIFTH DISTRICT OF ARKANSAS.

The counties in the fifth district held conventions to select delegates to the district convention, which selected 2 delegates to the national convention. The contest hinged upon the methods used in the selection of county delegates to the district convention. The Roosevelt representatives showed that they had been kept out of the convention halls by police and prevented from participating in the deliberations of the conventions.

Evidence also was produced that they had a majority of the delegates to these conventions in more than a majority of the counties representing a majority of the delegates to the district convention.

In Pulaski County, the largest in the State, the Roosevelt forces were in the majority, but the Taft representatives obtained possession of the hall and refused admittance to the Roosevelt delegates, organized the county convention, and elected Taft delegates to the district convention.

The Taft men, by seating the Taft delegation from Pulaski County, gained control of the district convention and elected Taft delegates to the national convention. The Roosevelt men held a convention, including the Pulaski County delegation, which had been by force prevented from taking part in the county convention, and elected delegates to the national convention.

The Roosevelt organization gave the required legal notice for the holding of the convention, by publishing the regular call therefore, copies were exhibited to the committee, but the Taft delegates were seated in the convention by the credentials committee.

## ELEVENTH DISTRICT OF KENTUCKY.

The regularity of the proceedings leading up to the holding of the district convention was not questioned by the Taft representatives. It was shown that all steps had been taken as required by the call and the law.

The district convention was controlled by the Roosevelt men, and a credentials committee of five was appointed by the chairman. Contests were filed against 123 delegates, which were passed upon by the committee.

The convention when organized was in the complete control of the Roosevelt men by a large majority, and delegates to the national convention were elected for Roosevelt.

The Taft men claimed that the credentials committee was irregularly organized from each county in the district. This, however, did not appear to have been the custom in past conventions, the chairman of the committee usually appointing the credentials committee. The Taft delegates, who were in the minority, had a bolting convention and chose Taft delegates.



The committee seated one Taft and one Roosevelt delegate in the convention. From the evidence submitted both Roosevelt men should have been seated. In the seventh and eighth districts of Kentucky the evidence in support of the Roosevelt delegates was equally as cogent and convincing as that of the eleventh district, but the Taft delegates were seated by the credentials committee.

#### THIRD DISTRICT OF OKLAHOMA.

This district is composed of 19 counties. It was admitted by the Taft men that the chairman of the committee, who was for Roosevelt, has been deposed and that six other Roosevelt men had been barred because the Taft men did not consider their proxies acceptable.

This action resulted in two conventions held at Tulsa. Sixteen of the nineteen counties were represented by regular delegates in the Roosevelt convention and elected Roosevelt delegates to the national convention. The committee seated the Taft delegates.

#### THIRTEENTH DISTRICT OF INDIANA.

In the Indiana thirteenth district contest the facts, as related before the committee, established that the convention was regularly called, and was held at Warsaw, Ind., on April 2, 1912, the date and place specified in the call. That Fred Woodward, district chairman, called the convention to order; that two candidates for permanent chairman were placed in nomination. A. C. Graham was the Taft candidate and Aaron Jones was the Roosevelt candidate.

It was shown that in taking the vote there was a great deal of confusion. Mr. Graham was declared elected by one-half of one vote and took the chair. A credentials committee was selected and reported to the convention, overruling the six contests filed by the Taft adherents and the two filed by the Roosevelt people.

The convention then proceeded to the selection of two delegates to the national convention. Nominations were made by both the Taft and Roosevelt forces. The chairman then proceeded to call for a viva voce vote on these two sets of candidates, those for the Taft delegates voting "aye," and the Roosevelt delegates "no." Members of the convention protested against this manner of procedure and demanded a roll call, but the chairman refused their request and declared that the "aye" vote carried and the Taft delegates elected.

A motion to adjourn was made, which the chairman declared carried, while the protest against the unusual manner of electing delegates was being made by the Roosevelt representatives. The Roosevelt delegates, after this action of the chairman as above stated, continued in the meeting and elected two Roosevelt delegates, and in the contest before the credentials committee Senator Beveridge produced in evidence the signed statement of a majority of the delegates to the district convention that on the motion to elect delegates, which the chairman had declared carried by the Taft delegates, they had voted for the Roosevelt delegates. This evidence was not controverted by the Taft representatives before the committee, but regardless of the evidence of a majority of the delegates to the district convention the credentials committee seated the Taft delegates.

#### THE WASHINGTON CASE.

February 29, 1912, the Republican State committee of Washington issued a call for the State convention to be held on May 15 in the city of Aberdeen, at which time all delegates to the national convention were chosen. The district delegates by the delegation from each district sitting separately, and the delegates at large by the entire convention as a whole. The call recommended the selection of delegates to both State and county conventions.

The State committee is composed of 39 members, 1 from each of the 39 counties of the State. A majority of this committee were adherents of President Taft. In a majority of the 39 counties, county conventions were called to elect delegates to the State convention. In King County, in which is located the city of Seattle; Pierce County, in which is situated the city of Tacoma; and Spokane County the county committees elected to hold primary elections in their respective counties. The call provided for delegates to the State convention to the number of 668. There were 263 uncontested delegates to the State convention favorable to Roosevelt and 97 uncontested delegates favorable to President Taft.

Twelve counties had contests, involving 304 delegates. Of this number 121 delegates were from King County, 69 from the counties of Pierce and Clallam. The remaining 114 contested delegates were from 9 other counties.

The importance of getting the delegation from King County by either side in the contest will be understood when it is realized that the number of delegates from this county added to the uncontested Roosevelt strength would give the Roosevelt people a substantial majority of the State convention.

It is therefore important that the facts and evidence relating to the contest of King County should be given in detail. The county committee of King County numbered about 250 members, to which had been added 151 members from as many new precincts which had been created by the municipal authorities of the city of Seattle.

On April 13, 1912, the county committee met for the purpose of deciding the manner of electing delegates to the county convention. At this meeting the committee passed a resolution providing for the holding of a primary election to elect delegates to the county convention to be held on April 27. In this same meeting the county committee discharged from further service a subcommittee of 22 men who had been appointed to act as an examining committee to facilitate the conduct of the campaign of 1910, which when closed terminated the duties of this subcommittee. Notice of the primary was duly published and the primary held, at which 6,900 Republican votes were cast, of which the Roosevelt representatives received 6,400 and the Taft representatives 500. Roosevelt delegates were then elected to attend the State convention.

After the meeting of the county convention above mentioned, at which primaries were ordered, 14 Taft men, members of the old subcommittee of 22, which had been discharged by the county committee without notice to the other members of the committee, met and selected 121 men as Taft delegates to the State convention. Among this number thus selected was ex-Secretary R. A. Ballinger. The Taft men controlled the State committee of 39 members by a vote of 25 to 14.

It appears from the evidence that at prior State conventions the convention itself had always arranged and provided for the hearing of contests. In this particular instance, the State committee devised a different method, and its chairman, a Mr. Colner, on May 2 called a meeting of the State committee at Aberdeen for to be held on May 14, the day preceding the State convention, for the purpose of passing upon the credentials of delegates to the State convention. This call so issued also provided that this method of passing upon credentials by the committee was pursuant to the rules and custom of the national

organization of the Republican Party, but was not pursuant to the custom of the Republican organization of the State of Washington.

An examination of the statutes of the State of Washington disclosed that the committee is given power to call the convention, but nowhere does it provide that said committee shall have the power to organize the convention. This action on the part of the State committee was a plain usurpation of the rights of the convention. It was alleged by the Roosevelt representatives, and evidence presented to substantiate the allegation, that on the night before the meeting of the State committee on the 14th, 21 of the 39 State committeemen met in a caucus and resolved to vote as a unit for the seating of a sufficient number of Taft delegates to control that State convention.

#### TAFT MEN SEATED.

At the meeting of the State committee on the 14th all contests were decided in favor of the Taft people, including King County, except the two counties of Pierce and Clallam, representing 69 delegates, which were decided for the Roosevelt people. At this meeting, on the 14th, it was shown that the committee, without any precedent therefor, adopted a set of rules placing the temporary organization of the convention in the hands of the chairman of the State committee, and further provided that no delegate should be admitted to the State convention without a ticket signed by the chairman of the State committee. Evidence was submitted that no such requirement for delegates to have tickets had ever been made in any previous convention in the State of Washington. These rules were not printed or given out so that the Roosevelt members of the committee could secure or see them.

It further appears that on the 14th, efforts were put forth by the opposing forces to reach a harmonious understanding as to the organization of the convention, and for the disposing of the contests by the convention. A committee was appointed by each side to take up and carry on the negotiations along this line, with the result that on the 15th an understanding was reached for the disposition by the convention of certain of the contests where the merits were plain, and where doubt existed, half of the delegation should be given to each faction. In order to secure further time for these committees to submit to the convention their agreement for ratification, it was agreed by mutual consent that the time for the meeting of the convention would be postponed from 10 o'clock a. m., to 1 o'clock p. m. of the same day.

Evidence further shows that shortly after 10 o'clock on the morning of the 15th, the Roosevelt delegates discovered that, regardless of the agreement to postpone the meeting hour of the convention to 1 o'clock, the Taft delegates had entered the hall and were acting as a convention. The Roosevelt delegates then went to the hall. None of them had been given tickets of admission, nor had they been notified where tickets could be obtained, and few, if any, knew of the unusual rule providing for delegates to have tickets. When they arrived at the convention hall they found the doors of the hall locked, except the main door, which was guarded by a policeman. The windows were barred and the fire escapes removed. The Roosevelt delegates offered their credentials at the main entrance, but were refused by those in charge because they had no tickets. Neither were they informed as to where tickets could be obtained. They then persisted in an attempt to be admitted to the hall, but were forcibly prevented by the police and those in charge of the hall, and were ordered back in the street.

The delegates representing Roosevelt after having been denied admission to the convention, as above related, met in another hall and organized a convention, and elected Roosevelt delegates to the national convention.

It is of interest at this point to relate the facts pertaining to contests in two other counties of the State, namely, Asotin and Chelan. In the first mentioned county the facts related show that the precinct committeemen had the authority through the county organization to call conventions and to elect delegates for the purpose of electing delegates to the State convention, or they could themselves elect the delegates. There are 11 precincts in Asotin County, 3 of the 11 precinct committeemen met without notice, and with other men who possessed no credentials or authority of any kind, named the Taft delegates to the State convention.

The citizens and electorate of this county, pursuant to a call, held a convention and elected Roosevelt delegates to the State convention. In the county of Chelan the county convention met in regular manner and order. It was made up of both Taft and Roosevelt delegates. A Roosevelt man was elected chairman of the temporary organization by a vote of 31 to 22. A committee on credentials was appointed to pass on the three precinct contests. The convention adjourned until 1 o'clock p. m. of the same day to give the committee time to hear a report of these contests. In all the proceedings, up to and including the adjournment, the Taft men took part. After the adjournment and before the reconvening of the convention at 1 o'clock the Taft men, constituting a minority of the committee, met in another hall and organized and elected Taft delegates to the State convention.

#### ROOSEVELT MEN OUSTED.

At 1 o'clock of the same day, as provided in the adjournment, the regular organization reconvened and in a regular manner elected Roosevelt delegates to the State convention. The State committee, controlled by a majority of Taft adherents, as set forth herein, threw out the Roosevelt delegates in both these counties.

In the State convention held by the Taft people in the hall where the meeting was called, after the exclusion of the Roosevelt delegates as hereinbefore set forth, there were present 401 men, of whom but 97 were uncontested delegates, and 304 contested delegates. In these contested delegates were included the 69 Taft delegates from Pierce and Clallam Counties which had been unseated by the State committee in its session the day before the convention. There were also included in these 304 contested delegates the 121 delegates selected by the Taft members on the subcommittee of King County, as hereinbefore related, and which had no legal claim whatever to a seat in any convention.

In the convention of the Roosevelt delegates held after being prevented from entering the convention, as herein stated, there were present 567 men, of whom 263 were uncontested delegates and the 63 delegates from Pierce and Clallam Counties whose credentials had been approved by the State committee; and there were also present the 121 delegates from King County who had been selected at a public primary by a majority of 6,400 votes, as herein stated. These 567 delegates out of the 668 of which the State convention was composed elected the Roosevelt delegates to the national convention. The national committee and the credentials committee seated the entire Taft delegation from the State of Washington.

I file herewith also, to be printed in the Record, a statement covering the contest cases from the State of Washington. This



statement was prepared by the Hon. MILES POINDEXTER, United States Senator from that State:

STATEMENT OF ESSENTIAL FACTS AS TO THE CHOICE OF REPUBLICAN DELEGATES FROM THE STATE OF WASHINGTON TO THE CHICAGO CONVENTION, JUNE 18, 1912.

[By Hon. MILES POINDEXTER, United States Senator from the State of Washington.]

This delegation was to be chosen by a State Republican convention called to meet in the city of Aberdeen, Wash., May 15, 1912. The authorized membership of this convention was 668. Of this number there were 264 Roosevelt delegates uncontested. In addition to these there were authorized Roosevelt delegates entitled to sit in the convention against whom unfounded contests were instituted by the Taft faction, as follows:

"Pierce County, 61; Clallam County, 8; Chelan County, 10; King County, 121; Mason County, 8."

This gave Roosevelt 472 out of the 668 delegates. In addition to this there were Roosevelt delegates duly chosen from several other counties against whom unfounded contests were instituted by the Taft faction, which would have made his majority in the convention much larger. But for the purposes of brevity we will consider the facts in the above specially mentioned cases only.

The State committee was presided over by B. W. Colner, an active candidate for appointment by Mr. Taft as district attorney for the western district of Washington. Cooperating with him was Mr. S. A. Perkins, of Tacoma, proprietor of several newspapers in western Washington and nominally a member of the national committee from the State of Washington. Incidentally it may be said that the State committee consists of 39 members, 1 from each of the 39 counties of the State; that Mr. Perkins was chosen national committeeman at a meeting at which the sole attendants were 3 members of this committee of 39, namely: Mr. B. W. Colner, of Pierce County; W. W. Hopkins, of Thurston County; Richard Condon, of Kitsap County. In addition to these Mr. B. W. Colner claimed to hold a proxy from A. D. Sloan, of Yakima County.

There were no other members nor proxies present, and Mr. Perkins's sole claim to his position as national committeeman from the State of Washington rests upon this meeting, which manifestly was without any authority whatever to act for the State committee of Washington which, under the rules, was entitled to select the national committeeman. Mr. S. A. Perkins had visited the city of Washington during the past winter and had assured Mr. McKinley, manager of the Taft campaign and Mr. Taft himself that a Taft delegation would be sent from the State of Washington. There is indubitable evidence that instructions and suggestions as to manner of proceeding were given to the State committee of Washington by the Taft national campaign committee. Cooperating with Mr. Perkins and Mr. Colner in their illegal proceedings were Messrs. W. T. Dovell and Howard Cosgrove, attorneys, of Seattle; Mr. Ed. Benn, of Aberdeen; and Mr. T. P. Fisk.

The plan of these men was, after having instituted flimsy and unfounded contests against the Roosevelt delegations from the several counties, that the State committee which they controlled should meet at Aberdeen preceding the date fixed for the State convention and should assume the authority, for which there was no precedent in the State, to pass upon the credentials of delegates to the State convention and make out a temporary roll, to eliminate a sufficient number of Roosevelt delegates to give Taft control of the convention, to seize the convention hall and hold it by force, and to admit to it none except such delegates and visitors as they approved.

Acting in pursuance of this plan, the State committee met at Aberdeen preceding the convention and adopted a set of rules for its guidance, including the control of the State convention, the latter a matter which the State committee had no authority under party practice in the State to do. There is ample evidence, which it is not necessary or essential to go into at this point, that the plan to capture by any means that might be necessary the delegation from the State of Washington had been carefully agreed upon beforehand by the leaders named above and others cooperating with them, and that they would carry it out was thoroughly understood and was stated by a number of prominent Taft men in the State preceding the meeting of the State convention.

After adopting the rules aforesaid, an agreement was made between 21 members of the State committee to vote as a unit on every question as to credentials of delegates to the State convention. Thereupon this "cabal" proceeded to go through the form of deciding the contests which had been previously instituted in pursuance of the plan named above and to decide a sufficient number of them in favor of the Taft contestants to give them control of the convention by a narrow margin. They then, with the assistance of Benn and his local influence in the city of Aberdeen, placed 15 policemen in charge of the convention hall the night before the day fixed for the meeting of the convention, barred the windows and other entrances to the hall except the one guarded by the police, arranged the fire hose as an additional means, to be used, if necessary, in addition to the police in preventing by force the entrance into the convention hall of any delegates or other persons not approved by the "cabal" of the State committee under the plan stated above. Instructions were given to the doorkeepers to admit no one into the hall not bearing a card signed by B. W. Colner, chairman of the committee. Such proceedings were unheard of in the State of Washington, and undoubtedly were a part of the advice given to the conspirators named above by the managers of the Taft national committee.

On the morning of the 15th, delegations arriving in Aberdeen for the convention, even those whose credentials had been approved by the State committee and who were entitled to cards of admission under the rules made by the State committee, were unable to secure such cards of admission as they did not know where to go to obtain them and none had been supplied to them. In the meanwhile, the Taft faction had gathered in the hall, guarded as stated above, and were proceeding hurriedly to go through the form of transacting the business of the State convention.

The facts stated above had led, of course, to a tense and excited feeling between the Taft and Roosevelt men gathering in Aberdeen for the convention. The governor of the State had been called to Aberdeen in order that his assistance might be obtained to prevent violence and to bring about, if possible, some just arrangement for the proceedings of the convention. Conferences between committees representing the Taft and the Roosevelt factions were held at 9 o'clock a. m., May 15, 1912, an agreement was made between these committees and signed by B. W. Colner, Taft leader, and chairman of the State committee, that the two meetings consisting one of the Taft delegates, and the other of the Roosevelt delegates, would adjourn until 1 o'clock

in the afternoon. In violation of this agreement, at 10 o'clock the Taft delegates proceeded in the manner stated to go through the form of holding a State convention and disposed of the business before them in a hurried manner, adjourning in a little over an hour.

This gathering of Taft adherents, purporting to be a State convention, elected a full Taft delegation of 14 to the Chicago convention, and this illegal delegation was seated by the national committee and voted throughout the proceedings of that convention.

The Taft State committee by eliminating the Roosevelt delegation of 121 from King County, of 10 from Chelan County, of 8 from Mason County, and eliminating contested Roosevelt delegations from 8 other counties and substituting in their places an equal number of Taft delegates, made up a temporary roll for the State committee in which Taft had 336 delegates. After all of this arbitrary and illegal unseating of Roosevelt delegates Taft was only left with a majority of two in the State convention, which consisted of 668 members. Of course this margin was narrow, but in view of the fact, as stated above, that great numbers of even those Roosevelt delegates, who were entitled to sit in the convention even by the ruling of the Taft State committee, could not gain admission because they had no cards of admission and did not know where to obtain them (the proceedings of the Taft convention meanwhile going rapidly forward) this margin was sufficient for all practical purposes for the Taft contingent.

Being excluded from the convention hall, which had been seized and held by force by the State committee, 567 Roosevelt delegates met in a separate hall and, constituting a large majority of the delegates to the State convention, proceeded to choose delegates to the national convention at Chicago.

The Taft State committee held that the Roosevelt delegates from Pierce and Clallam Counties were entitled to seats in the State convention.

As will be seen from the numbers given above it was necessary for them to exclude the Roosevelt delegates from every other county in which the Taft people had instituted contests—11 in all—in order that the Taft people should obtain control of the State convention.

As to the illegality of the proceedings of this State committee, it will be sufficient to review briefly the facts as to the county delegations from King, Chelan, Mason, and Asotin Counties—in view of the fact that it is perfectly clear that the Taft delegates which the State committee seated from these counties had no just claim as delegates to the convention; and the unseating of the Taft delegation from either one of these counties or from either one of the other contested counties where Taft delegations were seated would have given Roosevelt a majority of the convention, even on the temporary roll as made up by the Taft State committee.

Under the law the State of Washington has no original statutory primary for electing delegates to a national convention or to a State convention. The manner of choosing delegates to the convention was largely in the discretion of the State and county committees. The State committee directed that the State convention be called at Aberdeen with 668 members, which convention in turn should choose delegates to the national convention at Chicago. As to the selection of delegates to the State convention, the State committee directed that the county committee in each county should choose the method of so doing. Under the authority of the State committee each county committee could, if it saw fit, itself choose the delegation from the county to the State convention, or it could call a county convention which in turn should choose the delegation to the State convention; and when it called a county convention it had the authority of submitting the election of delegates to the county convention to the people at a primary; or it could submit the election of delegates to the State convention to a primary. Such primaries, if called, were held under the direction of the county committee, as there was no statute governing the same.

Under this authority some of the county delegates to the Aberdeen convention were chosen by the county committees, and some were chosen by county conventions selected by primaries ordered by the county committees. Either method was authorized by the law and by the party rules.

In Spokane County an opportunity was had to test popular sentiment as between Roosevelt and Taft at a primary called by the county committee to elect a county convention in which the votes cast were about eight for Roosevelt to one for Taft. Primaries were also held in Pierce, Clallam, King, and other counties, showing an overwhelming Roosevelt sentiment as opposed to Taft in the State.

In King County, in pursuance of its authority, the county committee, consisting of some 400 members, met and, over the opposition of the Taft minority in the committee, directed the calling of a county convention to choose delegates to the State convention at Aberdeen, and directed a primary in the county to be held to elect delegates to the county convention, providing the form of ballot and other details of the primary. This primary was held in pursuance of this order; 6,900 votes were cast at it, of which all but some 500 were for Roosevelt and LA FOLLETTE, giving the progressives overwhelming control of the King County convention. There is no contention that this primary election was not perfectly free and open and honestly conducted. The right of the 121 Roosevelt delegates to the Aberdeen convention is based upon this regular and popular proceeding. The Taft people claim that the county committee was improperly constituted, because its chairman had appointed members of the committee from precincts in which there were vacancies. The chairman, however, had such authority both by the rules of the committee and by an express resolution of the committee, which resolution was presented on the hearing before the national committee. The Taft people also claim that the primary was not in technical accordance with the provision of a certain statute. This statute, however, has no application to such primaries, and relates only to voluntary primaries for the election of delegates to nominating conventions. A strenuous effort had been made to secure either a statute or a rule of the State committee for such a primary for the election of delegates to the nominating convention at Chicago, but the governor refused to call a session of the legislature for that purpose and the Taft State committee refused to make such a rule, and no such primary could be held, notwithstanding the earnest efforts of the Roosevelt people throughout the State. These flimsy pretenses were the only objections which the Taft people could devise to the Roosevelt delegation from King County. On the other hand, the Taft delegation from that county which was seated in the State convention at Aberdeen by the Taft State committee rested its claims upon the pretended appointment made by 14 Taft members of the King County committee after the King County committee had directed the primary for the selection of delegates, as stated above.

Of course these 14 men had no authority to make such appointment. They claimed to be acting as an executive committee of the county



committee. In the first place, this executive committee had been discharged by the full county committee and had no existence at the time; its authority had been revoked and another method, namely, the primary and the county convention, had been directed by the county committee for the selection of delegates to the State convention at Aberdeen. Among other methods used by the Taft party in Seattle in pursuance of their determination to secure, by fair means or foul, the delegations from King County to the State convention, and thereby the State delegation to the national convention, was the attempt to bribe outright the chairman of the King County committee and the alteration and forgery of proxies for seats in the county committee, conclusive proof of which, in documentary form, was presented to the national committee and the credentials committee at Chicago, and ignored by them, although not disputed.

Under these circumstances it is perfectly manifest that the so-called Taft delegation from King County, which did not claim to have any other authority than this appointment by the 12 or 14 members of the King County committee, had no authority whatever to represent King County in the Aberdeen convention. The action of the Taft State committee could not create any such authority for it, and the arbitrary seating of this illegal delegation of 121 in the Aberdeen convention, by which seating the Taft people gave themselves a majority of 2 on the temporary roll, upon which authority they selected 14 delegates to the national convention, vitiated and made wholly illegal this purported Taft delegation to Chicago.

The acceptance of this unauthorized delegation from the State of Washington by the national committee was equally without validity.

When the temporary roll of the Chicago convention, including these 14 delegates, had been made up by the national committee in this arbitrary and illegal manner the 14 delegates themselves practically voted to retain themselves in the convention by voting upon the temporary chairmanship and temporary organization of the convention, thereby, together with other illegal delegations similarly situated, selecting their own credentials committee and voting upon their own unfounded and unmeritorious cases.

In Chelan County a county convention was held to elect delegates to the State convention. No question was raised as to the validity of this county convention. It met in the forenoon and proceeded to ballot upon the election of a temporary chairman. The membership of the convention was 55. On the vote for temporary chairman 31 votes were cast for D. D. Olds, the Roosevelt candidate, and 22 for Cohler, the Taft candidate. After perfecting this temporary organization the convention adjourned and awaited the report of its committee on credentials, having adopted a resolution that it would reconvene at 1 o'clock in the afternoon. Between this adjournment and the hour of 1 o'clock the minority of Taft delegates held a separate meeting and went through the form of choosing delegates to the State convention. They did not return to the convention at 1 o'clock in the afternoon. This wholly unauthorized Taft delegation of 10, appointed by a bolting minority of the county convention, was seated in the State convention by the State committee, and the regularly elected delegation, which was for Roosevelt, was excluded. Leaving out of consideration King County and every other county in which the Roosevelt delegations were excluded, the seating of the Roosevelt delegation from Chelan County would have given Roosevelt control of the State convention. The illegal seating of this delegation also vitiated the action of the State convention and rendered invalid and unauthorized the Taft delegation from the State of Washington.

So likewise in Mason County. The State committee seated a Taft delegation of 8 from that county which had no other authority whatever than a pretended appointment by two precinct committeemen. The county committee of Mason County consisted of 21 precinct committeemen. It is perfectly clear that two of these had no authority whatever to appoint the delegates to the State convention. On the other hand, the Roosevelt delegation from Mason County was appointed by 11 precinct committeemen present at a meeting, constituting a majority and a quorum of the county committee and fully authorized to make the appointment. This authorized delegation was refused seats in the convention by the Taft State committee. It was not contended either before the national committee or the credentials committee of the Chicago convention that this action was valid in any way whatever, and yet it was decisive of the entire action of the State convention at Aberdeen, so far as the Taft control was concerned, and the unseating of this Roosevelt delegation from Mason County rendered invalid the entire proceedings of the so-called Taft State convention and the Taft delegation from Washington.

Likewise, in Asotin County the 6 Taft delegates seated by the State committee from that county were necessary to give Taft the majority of 2, which the State committee worked out upon the temporary roll. The only authority which these 6 Taft delegates from Asotin County had was the pretended appointment of 5 persons purporting to act as members of the county committee. The county committee consisted of 11. Only 3 of the 5 persons referred to were members of the committee; the other 2 were not members and had no proxies. They so admitted, and the fact was not disputed. The action of these 3 members of the committee and 2 persons without any claim of right whatever acting with them in appointing the Taft delegation from Asotin County was purely arbitrary, unauthorized, and illegal. The seating of these illegal 6 delegates by the State committee being necessary to give them their majority of 2 rendered invalid the action of the entire convention, invalidated the delegation of 14 to the national convention, and in view of the fact that this 14 and a few other delegates similarly stolen were necessary to give Mr. Taft his slender majority it rendered illegal entirely his nomination at the Chicago convention.

Likewise, the seating of the Roosevelt delegation from either one of the six other contested counties, as they were entitled to be seated, would have given Roosevelt control of the State convention. But in view of the clear cases of the counties especially described in the foregoing, either one of which if the rights of the Roosevelt delegation had been recognized would have destroyed the small Taft majority of two upon the temporary roll of the State convention made up by the Taft State committee, it is not necessary to go into the details of the other counties.

The call of the State committee provided that 8 delegates were to be chosen from the State at large by the State convention and 2 delegates from each one of the three congressional districts, making 14 in all. The 2 delegates from each district were to be chosen by a district convention which was to consist of the delegates from that district to the State convention, which delegates should meet separately pending the State convention at Aberdeen, and as a district convention choose the 2 delegates from the district. Each of the three districts in the State had an overwhelming majority of Roosevelt delegates, but the case of the third district is especially conspicuous because of the almost

entire absence of Taft sentiment in that district, which consists of the eastern part of the State. Over 200 of the 245 delegates to Aberdeen were Roosevelt delegates.

In only two counties were there contests involving in all 16 delegates, and yet under the proceedings of the State committee Taft delegates were sent from this district as from the other districts and from the State at large to Chicago, their contention being that the Roosevelt delegates from the district did not attend the State convention and were not entitled to be recognized. As a matter of fact, Roosevelt delegates from the district did attend the State convention as stated above, but met in a separate hall from the Taft delegates, on account of the hall being forcibly seized by the State committee, and legitimate Roosevelt delegates from Chelan, King, and other counties excluded by force and violence, as stated above.

A further matter which ought not to be overlooked in considering the action of the Chicago convention is the fact that only a mere pretense at an investigation of these contested cases was made by the national committee, or by the credentials committee, or by the Chicago convention itself. In the Washington cases, after some difficulty, 45 minutes was secured for presenting the cases on behalf of the Roosevelt delegation before the national committee. The terms laid down by the committee were that the Roosevelt case would be stated first, occupying the entire 45 minutes, and that the Taft case should then be stated, occupying its 45 minutes, and that no time should be allowed for rebuttal. Under this arrangement oral statements were made and representatives of the Taft delegation in their oral statement made a great many statements of fact which were claimed by the Roosevelt representatives to be wholly unfounded and false. Attempts were made at frequent intervals to gain permission to correct or contradict these false statements, but every such attempt was prevented and every opportunity of making any corrections of the same was cut off. Vehement protests were made by Taft members of the committee against any interruption of the Taft speakers, and at the conclusion of the oral statement orders were given that the representatives of the two sides should collect their papers and immediately leave the committee room—which, with the officious assistance of the sergeant at arms, was done. On disputed points a vast mass of original and documentary evidence was offered on behalf of the Roosevelt delegation. None of this was examined by the committee nor was any attention paid to it whatever. The case, after the oral statements above referred to, was decided instantaneously by the committee without consideration or examination of evidence. The writer of this, who assisted in presenting the Roosevelt case to the committee, left the room immediately at the conclusion of the oral statements and proceeded directly to the outer door of the committee rooms. But before he reached the outer door a messenger from the committee room passed him on his way to the telegraph office announcing as he passed that the case had been decided against the Roosevelt delegation.

Likewise the proceedings before the credentials committee of the temporary organization was a travesty upon a hearing and investigation for the purpose of eliciting the truth and making a just decision. Angry and vehement protests were made by Taft members of the committee against the efforts on the part of other members of the committee who sought to question the representatives of the Taft delegation in order to elicit the truth; and, being sustained by the chairman, under this gag every attempt on the part either of the representatives of the Roosevelt delegation or of members of the committee who sought to bring out the facts was cut off and entirely suppressed. In fact, throughout the hearings, both before the national committee and the credentials committee, indifference was indicated by the majority of these committees as to the hearings—their decisions undoubtedly having been made in advance upon a partisan basis and such decision and fact having been announced previously by members of the committee.

When it is considered that the credentials committee referred to consisted in part of the very illegal delegates whose cases were to be tried before the committee the absurdity of the system is manifest.

Likewise it may be repeated—it can not be repeated too often—that the national committee, which was the source of the arbitrary power of the convention and of its temporary roll, which in turn chose its temporary organization, which in turn chose its permanent organization, and which controlled every question decided by the convention, was a hold-over committee of politicians selected by party machinery four years ago, when neither the issues nor the candidates of this campaign were before them or before the people; that, in the meanwhile, many of the members of the committee had been supplanted by the election of their successors of opposite views in regard to candidates and policies of the party; that the majority of the members who assumed to act upon these cases had been directly and emphatically repudiated by the party in their States at free primaries where large party votes were cast; that acting with them and going to make up the majority of the committee were members from Territories which have no electoral vote and from Southern States which have no substantial Republican Party; and that not a single Republican State in this year's pre-convention campaign where a free vote of the membership of the party had been allowed was in harmony with the majority of this national committee, which controlled the convention and all its actions. The latter circumstances are mentioned, not for the purpose of going here into a discussion of the iniquities of the system involved, but merely as bearing upon the merits of the decision rendered by the tribunal referred to.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that I have 20 minutes to-morrow morning immediately after the reading of the Journal to reply to some statements made by the gentleman from Nebraska.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that immediately after the reading of the Journal to-morrow he be allowed 20 minutes in which to reply to some remarks made by the gentleman from Nebraska.

Mr. FITZGERALD. Mr. Speaker, I want to call up the general deficiency bill—

Mr. MANN. The gentleman will have the right to speak in general debate.

Mr. FITZGERALD. I desire to get into my bill, and the gentleman can then get time.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to address the House for 20 minutes after the reading of the Journal. Is there objection?



Mr. WARBURTON. Mr. Speaker, reserving the right to object—

Mr. HUMPHREY of Washington. I want to modify the request and change it to immediately after the calling up of the general deficiency bill.

Mr. FITZGERALD. I ask the gentleman to withdraw his request on the statement that I intend to call up the general deficiency bill, and that I desire to pass the bill before the end of this week, and we will accommodate the gentleman if 20 minutes or a half an hour will suffice.

Mr. HUMPHREY of Washington. All right, with that understanding—

The SPEAKER. Does the gentleman withdraw his request? Mr. HUMPHREY of Washington. Yes; I withdraw my request.

#### FILLING OF VACANCIES ON COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I desire to fill some vacancies on committees. I move that Mr. SWEET, of Michigan, be elected to fill the vacancy on the Committee on Accounts made vacant by the resignation of Mr. RODDENBERY, of Georgia.

The SPEAKER. The gentleman from Alabama moves that Mr. SWEET, of Michigan, be elected as a member of the Committee on Accounts to fill a vacancy. Is there any other nomination?

The question was taken, and the nomination was agreed to.

Mr. MANN. Mr. Speaker, I am authorized by the gentleman from Wyoming [Mr. MONDELL] to present his resignation from the Committee on Public Lands.

Mr. UNDERWOOD. We have not reached that point yet.

The SPEAKER. Is there any other nomination for this vacancy?

Mr. MANN. I ask that the resignation of Mr. MONDELL from the Committee on Public Lands be accepted.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois [Mr. MANN], I move the election of the following gentlemen to fill vacancies on the minority end of the following committees:

Hon. FRANK W. MONDELL, of Wyoming, on the Committee on Appropriations to succeed Mr. MALBY, deceased; Hon. ELMER A. MORSE, of Wisconsin, to the Committee on Public Lands, to succeed Mr. MONDELL, resigned; Hon. WILLIAM F. VARE, of Pennsylvania, on the Committee on Insular Affairs, to succeed Mr. HUBBARD, deceased; Hon. MARTIN B. MADDEN, of Illinois, on the Committee on Expenditures in the Department of Agriculture, to succeed Mr. FRENCH, resigned; Hon. JOHN A. STERLING, of Illinois, on the Committee on Expenditures in the Department of Justice.

The SPEAKER. Are there any other nominations?

The question was taken, and the nominations were agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOOHER, for 12 days, on account of illness in family.

To Mr. SLEMP, for 3 days, on account of important business.

To Mr. CARY, for 10 days, on account of illness.

#### ARMY WORM.

Mr. HEFLIN. Mr. Speaker, I have here a House joint resolution asking for an appropriation of \$5,000 to be used in the Southern States in the fight on the cotton or army worm. The Secretary of Agriculture, I will state to the House, came before the Committee on Agriculture yesterday and said that it was absolutely necessary to have this amount of money, and to have it now, to meet the conditions which have recently arisen in the cotton States. The resolution was favorably considered, and I was requested to report it to the House. It is now on the calendar, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the resolution which the Clerk will report.

Mr. MANN. I suggest that the gentleman ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. HEFLIN. I make that request, Mr. Speaker.

The SPEAKER. The request carries the further request that it be considered in the House as in the Committee of the Whole. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm.

*Resolved, etc.,* That the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used by the Secretary of Agriculture in exterminating a dangerous pest commonly called the army worm, now devastating crops in various section of the United States.

Also the following committee amendment was read:

On line 3, strike out the word "fifteen" and insert in lieu thereof the word "five."

The SPEAKER. Is there objection to the present consideration of this resolution in the House as in the Committee of the Whole?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Alabama if this pest has made itself known anywhere outside of the State of Alabama.

Mr. HEFLIN. This worm has appeared in many Southern States—South Carolina, North Carolina, Georgia, and Alabama. In fact, it has appeared in nearly all of the cotton-growing States. I will say to the gentleman I read a newspaper report the other day of the operations and ravages of the worm in Georgia. It stated that they crossed a railroad track in such large numbers that they stopped the train. The worms being crushed made the track so slippery that they stopped the train and they had to put sand on the rails in order to travel.

Mr. MOORE of Pennsylvania. I would suggest to the gentleman that that is an easy way of suppressing a corporation. But I want to know from the gentleman whether this request for an appropriation of Federal money arises in his own district and in his own State, or whether it is due to complaints that are general throughout the Southern States?

Mr. HEFLIN. The complaints are general. I will say to the gentleman from Pennsylvania. The resolution was introduced by the gentleman from South Carolina [Mr. AIKEN], and the Agricultural Department has already sent one or two men down to instruct these people how to fight the worm and destroy it; and the Secretary of Agriculture came before the Committee on Agriculture yesterday and said that he did not have a dollar with which to proceed, and that with \$5,000 he believed he could meet this emergency and that it was necessary to get this money now.

Mr. MOORE of Pennsylvania. I do not want to raise a question as between the States, but I call the gentleman's attention to the fact that there are numerous pests throughout the United States that ought to be suppressed. There are certain pests in horticulture and arboriculture. There is a chestnut-tree blight which is now pervading a number of the States of the Union.

Mr. MANN. We made an appropriation for the investigation of that, I think.

Mr. MOORE of Pennsylvania. I think not.

Mr. LEVER. Let me say to the gentleman from Pennsylvania [Mr. Moore] that the Senate has put in the agricultural bill \$80,000 for the chestnut blight, and the House conferees in the first reading agreed that that sum should be left in the bill, and I presume the conferees of the House will not object any further.

Mr. ADAMSON. Will the gentleman yield?

Mr. HEFLIN. I will yield.

Mr. ADAMSON. I would like to say to the gentleman from Pennsylvania [Mr. Moore] that unfortunately these worms do not limit their diet to corporations. I am a personal witness to the fact that their operations are not limited to getting on railroad tracks and obstructing trains. I have just returned from Georgia, and I have witnessed myself the ravages of these worms there. While there I sent a telegram to the Secretary of Agriculture, telling him of their ravages in Georgia and eastern Alabama—parts of the country I knew about. He replied that they had no funds. My town held a meeting and raised the funds and sent men over the county with the ingredients which kill these worms. That is limited, of course. Yesterday I was informed by the Department of Agriculture that if this provision was made as reported by the committee a man would be sent there to help those people.

Mr. MOORE of Pennsylvania. Still reserving the right to object, it is a rather interesting fact that these worms to which the gentleman refers are eating up the very valuable ties that come from chestnut trees, which are preferable, as I understand, to any other wooden ties that are in use in the Southern States, and the chestnut trees are subject to the blight.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving further the right to object, I want to ask the gentleman one more question. I should like to know—

Mr. ADAMSON. Speaking of chestnuts, I do not want to use any chestnuts, but I want the gentleman to understand that we have never resisted any proper efforts to aid in relieving him or any of his people in any part of the country in any emergency affecting chestnuts, old chestnuts, or chestnut trees, or anything else.

Mr. MANN. You defeated an amendment to the appropriation bill to make an appropriation for the chestnut blight.

Mr. ADAMSON. Not I.

Mr. MOORE of Pennsylvania. Has the State of Alabama made any appropriation for the extermination of this worm?

Mr. HEFLIN. The legislature in our State is not in session. The worm made its appearance in our State last year for the first time, I believe, in about 20 years, and this year the worm is appearing in greater numbers in all the States than before, and this appropriation is to meet an emergency now, because the appropriation bill will not pass in time to relieve the situation in the South, and the Secretary of Agriculture submitted to us telegrams yesterday asking for aid. So acute and distressing is the situation the gentleman from South Carolina [Mr. AIKEN] contributed to a sum to pay the expenses of one expert to be sent to South Carolina. They simply have not a dollar to meet this emergency. These worms, undisturbed in a cotton field of 20 acres, can destroy it in three or four days.

Mr. MOORE of Pennsylvania. They are also eating up the chestnut railroad ties. I shall not object.

Mr. MANN. The understanding is that the committee amendment is to be agreed to, reducing the amount?

Mr. HEFLIN. Yes; to \$5,000.

Mr. MANN. Is this reimbursable?

Mr. HEFLIN. No, sir.

Mr. MANN. Is this an additional appropriation over what is carried in the appropriation bill when it becomes a law?

Mr. HEFLIN. Yes, sir; to meet an emergency.

Mr. MANN. I agree with the gentleman. I can remember seeing the army worms so thick in a field that you could not step without treading on a dozen of them at a time.

Mr. HOBSON. I reserve the right to object.

Mr. HEFLIN. I yield to the gentleman.

Mr. MANN. And I withdraw my reservation of the right to object.

Mr. ADAMSON. And I withdraw mine.

Mr. FITZGERALD. Mr. Speaker, I wish to reserve the right to object when I get the opportunity.

Mr. HOBSON. Mr. Speaker, I wish to say that this experience with the army worm is very widespread. The worm is now in my district. It came last year, and it came again this year very suddenly, and it does not give time for preparation. We have to have mass meetings in order to meet the situation. The whole county of Tuscaloosa, for instance, was ravaged last year within a very few days.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield?

Mr. HOBSON. Yes.

Mr. MOORE of Pennsylvania. I would like to see the worm exterminated in the gentleman's district, but last year we suffered in my section of the country from the ravages of the chestnut blight. I understand it is now advancing down into the Southern States and is there threatening the gentleman's territory. All I ask is that Congress shall give consideration also to this matter of the chestnut blight. We have already made an appropriation in Pennsylvania—a very ample appropriation of \$275,000—but we have no authority to go beyond the boundaries of our own State.

Mr. HOBSON. I wish that steps had been taken in that direction, as suggested by the gentleman, several years ago. I can say to the gentleman that the chestnut trees in my district are almost wholly destroyed by the chestnut blight. But the need of meeting this army worm pest is very urgent, and it should be met within a very few weeks. Owing to the spread of this worm, the need for its extermination is liable to become very wide, and if the situation is not promptly met to-day it can not be treated successfully two weeks hence.

I believe it would be a wise matter to leave the expenditure of the original amount carried in the discretion of the Secretary of Agriculture. Then he would not be compelled to expend all that he has unless it is desirable, and later on if he should find it important to expend all the money he would then have it available.

Mr. LEVER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from South Carolina?

Mr. HOBSON. I do.

Mr. LEVER. Let me say to the gentleman from Alabama that the Secretary of Agriculture informed the committee yesterday that this sum of \$5,000 would be sufficient to carry him over the emergency that is now existing, until the agricultural appropriation bill could be brought out of conference. We have the statement of the Secretary of Agriculture to the effect that that would be sufficient.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FITZGERALD. The gentleman from South Carolina states that this appropriation will be sufficient to tide over this emergency until the agricultural appropriation bill is agreed to. Why can not the funds now at the disposal of the department be used for this purpose?

Mr. LEVER. We understand from the statement of the Secretary of Agriculture that he has no funds at his disposal at this time which he might devote to this purpose.

Mr. HEFLIN. Not one dollar.

Mr. FITZGERALD. I would like to ask the gentleman where will he get it in the appropriation bill if it is agreed to? What fund would it be paid from?

Mr. LEVER. It would be paid from the general fund covering all cases of this kind.

Mr. FITZGERALD. For the month of July the Secretary of Agriculture has had, under the joint resolution that was passed, one-twelfth of that fund for application to this work, and if the appropriation bill had become a law prior to the 1st of July he could have expended in the month of July only one-twelfth of the sum appropriated.

Mr. LEVER. I assume, Mr. Speaker, that the Secretary of Agriculture at this time has his men engaged in their regular projects, and that the only way he can send extra men down there to meet this emergency would be through this emergency appropriation. That was the impression the Secretary gave to the committee yesterday.

Mr. FITZGERALD. That would be the fact after the general appropriation bill becomes a general law, and inasmuch as there is no extraordinary increase in the appropriation, there will be no opportunity to send additional men out. The Secretary of Agriculture is pretty smooth. It is not all so easy in these matters. What do these men propose to do? Do they propose to tell the people how to spray the plants with some solution?

Mr. HEFLIN. That is one of the things they would do. The expert men will go down to these infected parts of the States and call the people together and instruct them how to get rid of these worms.

Mr. FITZGERALD. They could mail that information to the people much more quickly.

Mr. HEFLIN. There is nothing like going among them and showing them how to do it.

Mr. FITZGERALD. I suppose they would send out and have meetings called and conduct their meetings and have speeches and demonstrations, and in the meantime the army worm will have got in his work, when its ravages could be more speedily prevented by the prompt transmission of information as to how the pest could be exterminated. The method which the gentleman from Alabama suggests is not a very practical way of doing the business.

Mr. LEVER. I will say that from the information we have the process is simple. But I want the gentleman to understand that this is the second year in my experience for the visitation of the army worm in my State. Last year it came to the State during the fall. It reached our cotton fields just about the time the best part of the cotton had matured, and it was really a blessing to us. But now it is coming to the State at a time when, if it gets into the cotton fields, it is bound to work absolute destruction not only to the cotton, but to corn and even grass.

Mr. SIMS. The gentleman is speaking of the worm, not the cotton-boll weevil?

Mr. LEVER. Yes.

Mr. SAMUEL W. SMITH. I would like to inquire of the gentleman if there is a special appropriation in the agricultural appropriation bill for this purpose?

Mr. LEVER. No. They have been handling the situation heretofore under a general fund.

Mr. HEFLIN. I will state to the gentleman that we did not have the worm until last year in anything like the number that we have now. As my friend from South Carolina [Mr. LEVER] has stated, the worm attacked the cotton then when the bolls were nearly grown, and only ate the leaves. Now the worms attack the limbs and the little bolls, and they absolutely destroy the tender plants.

Mr. SIMS. I understand that they are eating corn and everything else down in that section. Hundreds of acres are depleted of corn and cotton and everything else. I was talking with Senator PERCY, of Mississippi, about it yesterday.

Mr. SAMUEL W. SMITH. I am not opposed to this, but I should like to have the gentleman explain how far \$5,000 will go toward exterminating this worm in several States.



Mr. HEFLIN. It will pay the expenses of experts, who will go down there and explain to the people how to deal with the worm.

Mr. SAMUEL W. SMITH. That is how this money is to be used?

Mr. LEVER. Entirely so, to pay the expenses of these men.

Mr. HEFLIN. Yes.

Mr. SHERLEY. I am not opposed to this appropriation, but I want to learn something about the habits of the Department of Agriculture, and this is a very good time to learn it. That department has had a fund to deal with epidemics of this sort. Recently, by a joint resolution, they have been authorized to expend one-twelfth of the amount that was appropriated for the last year. The gentleman now says he is of the impression that the Agricultural Department has already allotted all of that fund. What I am trying to find out is this: Does that department allot all of that emergency fund without having any reserve at all for an emergency, and did the gentleman cross-examine the department officials to ascertain the facts?

Mr. LEVER. In reply to the gentleman from Kentucky permit me to say that the department has its various lines of work blocked out, so many dollars for one item, so many dollars for another line of work.

Mr. SHERLEY. They did not have any blocked out for this.

Mr. LEVER. Under a general provision in the agricultural bill we permit them a leeway of 10 per cent from one fund to another. Now, I take it, from the statement of the Secretary of Agriculture yesterday, that he is carrying on his projects which have been marked out, and that his men have been designated to do the work under these appropriations. I take it that the department has sent out its available experts to carry out the projects that have been mapped out for this year's work.

Mr. SHERLEY. I should like to know what the policy of the department is. In the first place, did they use any of this fund last year for the purpose of fighting this particular pest?

Mr. LEVER. As far as I know, they did not, because the army worm got into operation last year too late to do any serious damage. They have been studying the problem, and they have worked out a method of destroying the army worm. What this appropriation proposes to do is to send a few experts into the South and pay their expenses, to show the people how to fight the worm.

Mr. SHERLEY. Last year they knew about this worm.

Mr. LEVER. They have known about it for 35 years.

Mr. SHERLEY. They have a general fund to cover these matters this year. Does the gentleman know whether they have allotted any of the one-twelfth authorized for this year to this purpose?

Mr. LEVER. I really could not tell the gentleman. The truth is, as I said a moment ago, that the department has worked out a complete remedy for the army worm, and it is nothing more than the using of a little arsenic and flour on these little devils to kill them. But this appropriation here is asked for the purpose of permitting the department to send a few of its men into these various communities to show the folks there how to use this instrument of destruction.

Mr. HEFLIN. And this money is to be used to pay their expenses.

Mr. SHERLEY. This month is pretty nearly out. They have had one-twelfth of the total appropriation, which is a considerable sum—more than \$5,000. Does the gentleman know or has he inquired how much has been spent, or how much has been allotted for purposes of this kind, or anything in this connection?

The reason I ask this question is this: My experience is that the Department of Agriculture, as well as certain other departments, gets certain general funds for the doing of work in anticipation of just such situations as this, and then when a particular emergency comes, instead of using the general fund that has been provided in anticipation of that, they take the particular emergency as a means to bring pressure upon Congress to force additional appropriations.

Mr. LEVER. In reply to that suggestion, let me say to the gentleman that I take it that inasmuch as the month is nearly up, whatever allotment has been made for this month has been practically exhausted, and therefore the necessity of this appropriation.

Mr. SHERLEY. Does not the gentleman think it is up to the department to show what the facts are? We have nothing here—no statement at all—as to how much money they have on hand or what they can expend it for.

Mr. LEVER. I think it is quite reasonable to assume that if they have allotted a certain fund for the present month, which is practically out, that certain fund has been exhausted. I think that is the logic of that situation.

The SPEAKER. Is there objection?

Mr. HILL. Mr. Speaker, I do not wish to object, for I am in favor of the bill, but I should like about five minutes in which to speak on it.

Mr. MANN. Why not first ascertain if there is objection?

The SPEAKER. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to address the House for five minutes.

Mr. MANN. Let us find out if there is objection to the consideration of the bill first. Then the gentleman can get the time.

The SPEAKER. Is there objection to the present consideration of this bill in the House as in Committee of the Whole?

There was no objection.

Mr. HILL. Mr. Speaker, I am in favor of this proposition, because I happen to know of the necessity for immediate and speedy action, and I am in favor of some propositions of this kind, but I happen to have in my hand some fundamental doctrine in regard to the making of appropriations, coming from a Democrat, a gentleman by the name of Woodrow Wilson. [Applause.] I will take the time to read it in order that the Members of the House on both sides may understand his position in regard to matters of this kind and also indirectly in regard to another Democratic proposition now attached to the Post Office appropriation bill, by which the United States Government will be compelled to pay \$20,000,000 a year rent for the use of the public highways on which rural free-delivery carriers are now delivering mails for the benefit of the people. I read from Woodrow Wilson's "Congressional Government," in the introductory thereto, at page 29, written in 1900. He was then writing in regard to making congressional appropriations, which is what is being done now. He says:

Hardly less significant and real, for instance, are its moral effects in rendering State administrations less self-reliant and efficient, less prudent and thrifty, by accustoming them to accept subsidies for internal improvements from the Federal coffers; to depending upon the national revenues, rather than upon their own energy and enterprise, for means of developing those resources which it should be the special province of State administrations to make available and profitable.

[Applause on the Democratic side.]

That is good doctrine. We believe in that in New England. To continue:

There can, I suppose, be little doubt that it is due to the moral influences of this policy that the States are now turning to the common Government for aid in such things as education. Expecting to be helped, they will not help themselves. Certain it is that there is more than one State which, though abundantly able to pay for an educational system of the greatest efficiency, fails to do so, and contents itself with imperfect, temporary makeshifts because there are immense surpluses every year in the National Treasury, which rumor and unauthorized promises say may be distributed among the States in aid of education. If the Federal Government were more careful to keep apart from every strictly local scheme of improvement—

And I commend this to the wise chairman of the Committee on Appropriations—

If the Federal Government were more careful to keep apart from every strictly local scheme of improvement, this culpable and demoralizing State policy could scarcely live. States would cease to wish, because they would cease to hope to be stipendiaries of the Union, and would address themselves to their proper duties with much benefit both to themselves and to the Federal system.

I commend that to the majority. [Applause on the Democratic side.]

Mr. MANN. The Democrats are in favor of the principles enunciated, but not in favor of their application.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

Mr. HILL. Certainly.

Mr. CLAYTON. Mr. Speaker, on behalf of the majority, I want to say to the gentleman that that is the best speech he ever made.

Mr. FITZGERALD. I understood the gentleman from Connecticut to say that he believed in that doctrine, or that the New England States did.

Mr. HILL. Certainly.

Mr. FITZGERALD. Is that why they have so persistently obtained appropriations to exterminate the gypsy moth up in New England?

Mr. HILL. There has been no appropriation asked for by the State which I have the honor in part to represent.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. HILL. Mr. Speaker, I ask unanimous consent to proceed for two or three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, as supplementary to what I have read, in view of the fact that that has thoroughly met the approval of gentlemen on the other side of the House, I shall read another extract, direct and apt to this occasion, for I



am watching with great interest the developments of the future.

Mr. CLAYTON. Let us print the whole book.

Mr. HILL. Very well. I think very likely that will be done.

Mr. CLAYTON. It will be the best contribution the gentleman has ever made to congressional literature. [Laughter.]

Mr. HILL. I shall read another thing which I think is worthy of consideration. I refer to another extract from the distinguished gentleman's writings, in which he discusses presidential candidates. It is found in the introductory to "Congressional Government," on page 43. He is discussing presidential conventions and candidates, and he says:

When the presidential candidate came to be chosen it was recognized as imperatively necessary that he should have as short a political record as possible and that he should wear a clean and irreproachable insignificance.

[Laughter.]

"Gentlemen," said a distinguished American public man, "I would make an excellent President, but a very poor candidate." A decisive career which gives a man a well-understood place in public estimation constitutes a positive disability for the Presidency, because candidacy must precede election, and the shoals of candidacy can be passed only by a light boat, which carries little freight—

[Laughter.]

and can be turned readily about to suit the intricacies of the passage.

[Laughter.]

I doubt if he ever expected to be a candidate himself when he wrote that.

Mr. HEFLIN. Mr. Speaker, I do not wish to consume any more of the time of the House, and I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment to the House joint resolution.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the House joint resolution as amended.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HEFLIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following request for leave of absence, which the Clerk will report.

The Clerk read as follows:

Mr. SWITZER requests leave of absence, for five days, on account of important business.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Alabama that he commence to object on his own side first.

Mr. UNDERWOOD. Mr. Speaker, I will give notice that, as far as I am concerned, on account of the condition of business in the House and the necessity of a quorum being present, I shall hereafter object to any request for unanimous consent for leave of absence on account of business. If a man is sick or there is sickness in his family, that may be a legitimate excuse, but the important business of a man who holds a commission from a constituency to represent them on the floor of this House is for him to attend here and to be present at this time.

The SPEAKER. Does the gentleman from Alabama insist upon his objection?

Mr. MANN. Mr. Speaker, I fully agree with the gentleman, but I do not think he ought to make any objection without first giving notice.

Mr. BUTLER. Because we will see that there is a quorum here every minute. I am able to do that.

Mr. UNDERWOOD. The gentleman need not do that. We will bring a quorum here and have brought one here, and it has not come from that side of the House. I have no desire to reflect upon the application of any gentleman upon that side of the House, to begin with, and, therefore, as the leader of the minority asks me to give notice I will accept his proposition and withdraw objection to this particular request. I should not withdraw it, however, had the request come from this side of the House. I do give notice now that under the present congested condition of business and the necessity for a quorum being present, no leave of absence which is asked for on account of business shall be granted in the future, until the condition of business in the House is cleared up.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the sundry civil bill, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, I would suggest to the gentleman that the gentleman change his request and have the sundry civil bill printed, showing the Senate amendments, because until I can see the Senate amendments—

Mr. FITZGERALD. I would be glad to do that, and will make the request that the bill be printed with Senate amendments numbered.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, to disagree to the Senate amendments—

Mr. MANN. If the gentleman insists upon doing that, I said I would not be willing to give consent until the Members of the House had an opportunity to examine the bill.

The SPEAKER. The Chair understood what the gentleman from Illinois said, and the gentleman from New York said it was agreeable, so the Chair was putting the whole request at once.

Mr. MANN. I was trying to save time, because the gentleman knows otherwise I would have to object.

The SPEAKER. The gentleman from Illinois objects.

Mr. FITZGERALD. I ask unanimous consent that the sundry civil bill be printed with Senate amendments numbered and that the bill remain on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be printed with Senate amendments numbered and that it remain on the Speaker's table.

Mr. MANN. It does not require unanimous consent to remain on the Speaker's table.

The SPEAKER. Well, that may be superfluous. Is there objection?

Mr. COOPER. The Speaker just put the motion. The request of the gentleman from Illinois is to have the bill printed. Does that mean printed in the Record?

Mr. FITZGERALD. No; to have it printed with the Senate amendments numbered and in italics.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to renew my motion to take up the bill H. R. 20728, the Indian appropriation bill, to disagree to the Senate amendments, and ask for a conference thereon.

Mr. RUCKER of Colorado. Mr. Speaker, reserving the right to object, I would like to ask the chairman if he will not make an exception in this case, on page 35, to the amendment in regard to John West's claim and concur in the Senate amendment in reference to that claim?

Mr. STEPHENS of Texas. Mr. Speaker, I do not think in a conference of this kind either the Senate or the House conferees ought to be bound in any respect, but that there ought to be a free conference, and as to this claim the matter is now pending before this House on a report from the committee. It is a separate bill which has been put on as an amendment on the Indian appropriation bill, and it should not be there. These claims of this character ought not to be placed on appropriation bills, and as the bill is now upon the calendar here if it can not be passed this session it can be passed the next. This claim is 70 years old, and I do not think it will suffer any by remaining over until next winter, even if we can not reach it this session. It is on the calendar now, and the gentleman can call it up any time under the rule, and let the matter be discussed before this House, and pass it in a proper and orderly way.

Mr. RUCKER of Colorado. I wish to say, Mr. Speaker, just one word more. I only asked the chairman to do this because this bill is one of the gentleman's original bills, introduced in 1909, and therefore, having passed this committee of which the gentleman is chairman by a clear majority, and the bill being in this House represented by a majority, of course the gentleman knows, by reason of seniority upon the committee, he will have upon that committee those who represent the minority in the report, and consequently unless the gentleman will make an exception in this case, knowing, as I said, who the conferees will be, I shall have to object.

The SPEAKER. The gentleman objects.



## DAM ACROSS WHITE RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, I ask to take from the Speaker's table two conference reports.

The SPEAKER. Which one does the gentleman desire taken up first?

Mr. ADAMSON. I do not care which. One is aids to navigation and the other is a bill to construct a dam.

The SPEAKER. The Clerk will report the bills.

The Clerk read as follows:

A bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

Mr. ADAMSON. I ask that the report be read, as it is shorter than the statement.

The conference report was read as follows:

## CONFERENCE REPORT (NO. 1059).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

W. C. ADAMSON,  
WILLIAM RICHARDSON,  
F. C. STEVENS,

*Managers on the part of the House.*

KNUTE NELSON,  
JONATHAN BOURNE, Jr.,  
THOMAS S. MARTIN,

*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

The bill adopted by the House originally granted the consent of Congress for the construction of a dam in accordance with the general dam act. The Senate amendment was explained by its author and by the managers on the part of the Senate to be rendered appropriate and necessary by local conditions. While the amendment is unusual and considered by the managers on the part of the House as of doubtful necessity, we consented to recede from our disagreement to the amendment and accept same with the distinct understanding that it is not to be accepted as a precedent for adding to individual bills particular statements of detailed legislation, but stands upon its own particular facts and is agreed to for the reason aforesaid.

W. C. ADAMSON,  
WILLIAM RICHARDSON,  
F. C. STEVENS,

*Managers on the part of the House.*

Mr. MANN. Mr. Speaker, I ask that the Senate amendment be reported.

The Senate amendment was reported.

Mr. MANN. Mr. Speaker, the Committee on Interstate and Foreign Commerce has reported to the House this session a number of bills providing for the construction of a number of dams across navigable waters, to be constructed, maintained, and operated in accordance with the provisions of the general dam law governing such matters. This bill, I believe, is the only one which has passed recently. The other day a number of bills were upon the Unanimous Consent Calendar and were all stricken off on the objection of my colleague from Illinois [Mr. RAINEY], whom I regret does not happen to be present at this time. Of course, agreeing to the conference report upon this bill is practically enacting it into law, and this bill, outside of the Senate amendment, stands upon all fours with the other special dam bills which have been reported. Personally I have reached the conclusion that in the present condition of legislation that it is entirely proper for Congress to pass bills authorizing the construction of dams for the generation of electric power, to be governed by the provisions of the general law upon the subject.

Whether any changes can be made in the existing law I do not undertake to say, but that law, rather restrictive in its provisions, contains the additional provision, without any liability on the part of the Government for any damages caused, that it may at any time repeal, alter, or amend not only the general law but any special law that is passed providing for the construction of any special dam. I believe that it is highly desirable that as far as may be practicable we shall utilize the water power of the country now going to waste, reserving to

the Government the complete power at any time in the future to extend its jurisdiction and authority over any of the dams which are constructed or over any of the companies which own or operate those dams. And when the House passes this bill or agrees to this conference report, in my judgment, it is practically, if they do that, a settlement of its policy upon the subject at this time. The House ought not to say to one company at one place, "We grant you this privilege there," and not say to another company at another place, under practically similar conditions, "We will not grant it there." This dam is to be constructed in Arkansas, but if it were in Tennessee, in the district of my friend [Mr. AUSTIN], it ought to receive the same consideration that it does when the dam happens to be located in a Democratic district.

Mr. ADAMSON. Mr. Speaker, I am ready for a vote.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSTER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FOSTER. I wanted to say just a word in reference to this conference report and the policy of granting rights to build dams for power purposes. I disagree with my colleague [Mr. MANN] in the fact that if this conference report on the bill, which is somewhat different, possibly, from other bills granting the right of constructing dams, should go through, this is the fixed policy of the Government in reference to what should be done in the near future in granting rights to water-power companies.

Mr. MANN. I did not say it was the fixed policy.

Mr. FOSTER. I mean the policy at this session of Congress.

Mr. MANN. If this bill passes and this conference report is agreed to, that ought to settle the question, because if any of them are to be rejected, this is one that ought to be rejected. I think we ought to grant the privilege where the committee has reported that there are no unusual circumstances.

Mr. FOSTER. But I want to further disagree with the gentleman from Illinois in his idea that we should commence on Members on this side of the House who have bills for water-power sites and dams. I want to call to his mind that one of the first bills that went over on the Unanimous Consent Calendar was introduced by a Member on this side of the House.

Mr. MANN. I hope the gentleman does not think that I meant my colleague from Illinois [Mr. FOSTER] objected because the bill was introduced by a Republican?

Mr. FOSTER. But I understood from the gentleman's remarks that we ought not to permit one from this side to go through at this time.

Mr. MANN. Here is the bill. Are you going to permit it to go through?

Mr. FOSTER. I will say to the gentleman that this bill is much better than any of the bills that have gone through for a good while in that it does restrict the powers of this company to sell its power to consumers.

Mr. MANN. This bill, with the Senate amendment, is the worst bill we have ever had reported in the House on the subject.

Mr. FOSTER. That is the gentleman's opinion, to which I do not agree.

Mr. MANN. And it is the opinion of nearly everybody else who has examined it.

Mr. FOSTER. I will say to the gentleman that I have some ideas as to regulations in reference to granting sites for water power, and, so far as I am individually concerned, it is not my intention to obstruct legislation to grant rights of individuals or firms or corporations to build dams to create water power. But I do believe, and I expect to exercise my right as an individual Member of this House in all future cases that may come up here, that proper restrictions shall be placed in all these bills, if I am able to do so, in order that the people of this country may have some protection against what, in my mind, may lead to the control of all the water power of our rivers. I think in a few States that practically all the water power has gone into the hands of a few individuals—possibly one or two companies.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. And I am opposed to that, and I think my colleague is just as much opposed to it.

Mr. MANN. Quite. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. The gentleman does not mean, of course, that is true as to any dams which have been constructed in accordance with the general dam law?

Mr. FOSTER. Well, I do not know whether they have all been constructed under the terms of the general dam act or not.



Mr. MANN. Then, I will give the gentleman the information. They have not.

Mr. FOSTER. But, however that may be, I do not consider that the general dam act goes far enough, and I think my colleague agrees with me that there ought to be additional legislation along those lines.

Mr. MANN. I will say to my colleague from Illinois, the general dam act does not go as far as I would have had it go or as he would have it go. I do not believe that Congress or the majority of people agree with my views upon that subject, and meanwhile I am not in favor of withholding the right to construct dams because my own views have not been enacted into legislation. As long as there remains the authority in the General Government, Congress at any time can enact views as strong as my views, and as strong as the views of my colleague are, into law and make it applicable to all these bills that have passed. And that is the case.

Mr. FOSTER. I observe that under the terms of the general dam act and under these bills that usually go through the Senate and House, or at least through the House, the right to alter, amend, or repeal is expressly reserved. I think that under that section, or under that clause, after a power company has once become established Congress would find it a very difficult matter to repeal an act where the rights of a corporation or of individuals are vested in that property.

Now, while this clause, "the right to alter, amend, or repeal is hereby expressly reserved," is possibly worth something, yet I do not believe that that clause goes far enough in regulating the sale of power generated by these companies.

Mr. MANN. That was put in the law in the first place out of abundance of caution, but the gentleman perhaps recalls that the general act reserves the right to amend, alter, and repeal generally and in every special case, without any liability to the Government for the change that may be made. In other words, under the general dam law, Congress would have the power to repeal the right absolutely after the dam was constructed, or the right to regulate the charges that would be made, if Congress has that power constitutionally, and I think it would have, or to regulate anything else without any liability on the part of the General Government.

Mr. FOSTER. But I think that this provision ought to go further. If we acknowledge that the General Government has some rights in these navigable streams, we ought, in exercising those rights, see to it that no combination of water-power companies in any part of the country shall be brought about whereby it may be almost impossible for the people to regulate the charges that are made to them for the use of that water power. The gentleman from Illinois and I are pretty well in accord on these matters, I think—

Mr. MANN. Absolutely—

Mr. FOSTER. Because I recall distinctly that in the matter of a dam in Alabama, on the Black Warrior River, the gentleman from Illinois was very pronounced in his statement of what he thought the General Government ought to do.

Mr. MANN. And I still maintain those views.

Mr. FOSTER. And I was going to state that I believe my colleague still maintains that opinion. I hope that he will join with some of us who feel that there ought to be some restrictions placed in these bills that he has mentioned that are now sought to be passed through this House—restrictions that might control the prices charged to the people.

Now, I will state that I have suggested a few amendments to these bills so they might go through, but I have not met with any encouragement in offering them, so that I have thought the better plan to follow, if possible, to prevent their passage entirely was to assume this position until Congress could take some definite action in reference to the control of the water power in the country.

Mr. TOWNER. Mr. Chairman, will the gentleman permit an interruption?

Mr. FOSTER. Yes, sir.

Mr. TOWNER. Is it not the wiser policy, when we are endeavoring to do what the gentleman has so well stated should be done, that we deal in general terms and reserve to the Government all powers of control and supervision and repeal, rather than attempt now in advance to particularize? Is not that the better and the broader and the safer policy to pursue?

Mr. FOSTER. Well, I think we ought to put in all these bills that pass through the House provisions that give to some one—and I know of no authority better than the authority granting it—the power to regulate these water-power sites until there is a better general law enacted.

Mr. TOWNER. I think there is no question about that, but my thought was that if we attempt in advance to particularize we may not be able to know what may be needed hereafter in the protection of the rights of the Government.

Mr. FOSTER. I think with the gentleman that general protection in a law is better than to try to specialize.

Mr. TOWNER. In bills of this character all the rights that the Government could exercise are reserved in advance until such occasions may arise in the future. It occurs to me that that is the better policy to pursue.

Mr. FOSTER. I would state to the gentleman from Iowa that while "the right to amend, alter, or repeal this act" is in these bills as they are passed, yet I think the restrictions should be in the bill when it is passed. That is the safer plan, in my judgment.

Mr. TOWNER. I will ask the gentleman if he does not believe that the general terms of the dam act, the general statement in the law at present, in connection with the broad provisions that already exist in the general dam act, do not constitute an abundant and, in fact, a very broad and sweeping reservation of the rights of the Government?

Mr. FOSTER. I think not sufficient to regulate the matter of charges for water power in this country. I am frank to say to the gentleman that possibly at the time this law was passed it was the best that could be gotten through, but I think the time has now come when it is not sufficient, and it ought to go further than this law goes at this time.

Mr. TOWNER. I am very much in favor of doing everything that can be done to reserve the rights to the Government in water powers.

Mr. CANNON. Mr. Speaker, the water in the rivers, great and small, has been there, changing from time to time, for many, many thousands, if not millions, of years; and all that water has never, in the absence of dams and development, furnished an ounce of power.

Now, what the loss is to the United States, or to the people of the United States, every year from this great mass of water—enough to fill a part of an ocean—that goes to waste I do not know. If there was any way by law by which I could convert that water into power and navigation for the benefit of the people I would favor it. Now, there are but two ways to do it, as I understand. One is for the United States to go into the power business and sell the power or give it free to the people, building and maintaining the dams, making the canals and locks. The other way is to allow private enterprise and capital to make the development. As to the first way, I think we are not ready to resort to that. I do not know that we ever will be ready. I sometimes hope that the United States will not go into the business of building railroads and building power houses and dams for the purpose of selling power.

The development of this power requires money, and in some instances power is developed that is not remunerative. There are other instances where it is developed and it is wonderfully profitable. If somebody wants to build a dam and divert the water and keep it from running wastefully to the ocean and devote it to the purpose of turning machinery, I do not know what better we can do than to let them build the dam. We do not know how much power they are going to develop. They may break up. It may be a good venture, or it may be a bad venture; but when you put into the law itself the power to repeal or amend the franchise, then if extortion should appear Congress could amend or repeal the act granting the franchise, and the United States or the respective States could fix the prices for the power sold by those who develop it. So I do not think we are in a bad way, provided we utilize that which has been wasted from the dawn of creation and is still being wasted, keeping the right when we grant the franchise to regulate under the power to alter, amend, or repeal.

Mr. FOSTER. Mr. Speaker, I should like to ask the gentleman from Georgia [Mr. ADAMSON] a question. Does this amendment, which the Senate placed in this bill, take the place of section 2 of the bill which passed the House?

Mr. ADAMSON. I did not notice how it was printed.

Mr. FLOYD of Arkansas. What is the question of the gentleman from Illinois?

Mr. FOSTER. There is a Senate amendment which is marked section 2 of this bill. Does it take the place of section 2 of this bill? Is that true?

Mr. ADAMSON. It is an independent amendment. It does not take out anything that is in the bill. I will say further to the gentleman from Illinois that the general dam act has that section attached to it, with the right to repeal or amend any act that is referred to the Secretary of War in accordance with its terms.

Mr. FLOYD of Arkansas. And that reservation is in this act also.

Mr. FOSTER. Mr. Speaker, I agree with my colleague who has just taken his seat, the ex-Speaker of this House [Mr. CANNON], that the water as it runs to the sea in its millions of



barrels is worth nothing in the way of power until some individual or corporation places it in proper condition to be of advantage to the people. Yet I think that when we give away valuable franchises we ought to know something about how the franchises are going to be used, and I think my colleague agrees with me that we should have some sort of control, or that the control should be vested somewhere, so that there will be no question about it, and that the people's rights will be protected.

Mr. TRIBBLE. I thoroughly agree with the gentleman from Illinois [Mr. CANNON] who has just taken his seat. He once lived in the piedmont region of the South. In those days there were no manufactures there. To-day it is the finest section upon the face of this earth, both in farming and manufacturing. The mills are there, the cotton grows there, and it is manufactured there. I do not know the conditions that exist in other sections of the Union, but I do know the conditions that exist in the South. We need development there, we need the capital there, we need the mills there, and we need water power developed, and I can not understand why gentlemen object to the construction of dams and water power in many sections of the South where this development is so much needed.

Mr. FOSTER. The gentleman may not understand that, because he possibly has not studied the question sufficiently to know why. I will say to the gentleman that the reason why I object, without certain restrictions being placed in these bills, is that the corporations of the country ought not to control all the water-power sites of this land. That is why I am opposed to it, and I think a Democrat can afford to stand upon that kind of a platform, and ask that the people's rights in these matters be safeguarded, and that they shall not be permitted to be oppressed by any corporation or any set of men anywhere and at any time.

Mr. GALLAGHER. And that is what the corporations are trying to do.

Mr. PADGETT. If there are individuals who want to construct dams for the benefit of their local communities, what objection has the gentleman to that? I am speaking of a case where the privilege is asked by individuals, not by corporations, and where the people of the neighborhood want the dam built.

Mr. FOSTER. I should like to ask the gentleman from Tennessee if he can inform the House how long those individuals will keep a franchise without transferring it to some corporation or possibly some water-power trust?

Mr. PADGETT. I do not know how long, and it does not make any difference, so long as it will be for the benefit of the local people who want it developed.

Mr. FOSTER. It may not make any difference to the gentleman from Tennessee, but I think it does make a difference to the people of this country to know what shall be done with this water power.

Mr. BOWMAN. Will the gentleman suggest wherein he would further safeguard this bill so as to protect the public? Let me suggest in that connection that I know of localities where water power is going to waste. Of course, the gentleman agrees that a mill can not be run with the water that has passed, and if water power is put in it will be of great advantage to a given locality, possibly making it a manufacturing district, where coal is not available at a reasonable price. As I understand it, the State has the power in this bill to fix the price if it is unreasonable, and the United States Government has the power to alter, amend, or repeal. I do not know where this dam is located. I am not interested in it, but it does seem, as a general proposition, that there ought to be an opportunity to develop these water powers. In the meantime the coal of this country is being mined and wasted where it is burned at points where water is running away useless that should be used to provide power.

Mr. FOSTER. I think my friend from Pennsylvania [Mr. BOWMAN] misunderstands me. I am not opposed to the development of water power in this country. I am for it. I believe I stand just as much for the development of water power in this country as the gentleman from Pennsylvania does, and will lend a helping hand in doing whatever is in my power to help along in the matter; but I want to look a little further than simply the development of water power which gives some individual or corporation or company the right to use as they please that water power when they have it. The fact that a great amount of capital may be necessary to develop the water power is not the only question that concerns me; but I am concerned, and I think the gentleman is concerned, with the proper regulation of the water power and the rights of the people in these matters—the rights of the consumers themselves who have to buy the power after it is generated by these companies. I think that all of these bills should contain provisions that safeguard the rights and the interests of the consumer.

Mr. BOWMAN. This bill is safeguarded in that respect. The Government has the power to alter or amend or to repeal it at any time, and the State also, by virtue of the amendment inserted in the Senate, has the power to change or alter the price if it is not reasonable. Does not the gentleman think it is sufficiently guarded, and if not, what would he suggest?

Mr. FOSTER. I could not go into all of the terms at this time, but I would state that I would have proposed such amendments as would guarantee to some one, the Secretary of War or some one else, the right to examine the books and papers of the company in reference to fixing the charges they may make to the people of the community or wherever that power may be consumed. I would have that. That is the main and important point in this matter. Then there is another matter.

Possibly I am treading on ground that may be disputed, but I think that when the General Government is called upon to improve navigation by spending thousands and millions of dollars the Government retains some right there, and I believe that in the generation of water power the Government has some right to remuneration when that water power is used by a corporation.

Mr. FLOYD of Arkansas. Mr. Speaker, I would state in connection with what has been said that the bill pertains to my district. It is a local measure, and the purpose of the amendment is to meet local conditions. The Government has condemned the White River as a navigable stream for 150 miles below where this power plant is to be located.

Mr. FOSTER. Mr. Speaker, I will say to the gentleman that I think very highly of him and that I would not fight any bill simply because he happened to advocate it and because it affected his district.

Mr. FLOYD of Arkansas. Oh, I do not mean to imply anything of the kind, but I desire to ask the gentleman a question.

Mr. FOSTER. Let me finish. The gentleman says the Government has declared this stream for 150 miles to be nonnavigable. I want to state that in the report of the Waterways Commission he will find it stated that the rights of the Government extend far beyond the actual navigability of the stream, and that for the purpose of conserving and making that river navigable the General Government has rights far beyond where the stream may be actually navigable.

Mr. FLOYD of Arkansas. I insist that this bill does not deny any of the rights of the General Government. The Senate provided for an amendment to the bill which permits the people of the State, it is true, to regulate prices and prevent discrimination. It expressly recognizes in the State a right that the State undoubtedly now has. Does the gentleman from Illinois object to that?

Mr. FOSTER. Oh, no; I am for it, and I hope the State of Arkansas will regulate the prices. I think the amendment improves the bill very much, and without some amendment giving the right to regulate charges I would not be for it.

Mr. FLOYD of Arkansas. And I want to state further that the right to amend or repeal or modify this act is reserved to the Government in the act itself. It is left within the power of Congress, at any time in the future when they decide on a permanent policy in reference to these water powers, to revoke or modify or amend this act and in the grant as thus modified to regulate the affairs of the power company by the action of Congress in so far as the rights and powers of the Federal Government extend or may be involved.

Mr. FOSTER. Oh, I think the amendments are good.

Mr. FLOYD of Arkansas. Is the gentleman opposed to the bill?

Mr. FOSTER. Oh, I am not fighting the gentleman's bill. I am talking on the general policy.

Mr. FLOYD of Arkansas. I am not talking about the general policy. I want to get this matter settled, because it is a matter of great interest to my people and my State. In this connection I wish to state that the bill as it passed the House was in strict conformity with the requirements of the general dam law. The Senate amended the bill, inserting as a new section the following amendment:

SEC. 2. It is understood, and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said



value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

This amendment, in my opinion, improves the original bill. It recognizes in the State of Arkansas the right to regulate charges and prevent discriminations on the part of the Dixie Power Co. It also provides that at the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas upon the payment to the said Dixie Power Co. the value thereof as a structure, and in case of disagreement as to price it provides for settlement by arbitration or by judicial proceedings. It seems to me that every one of these provisions are in the interest of the general public and at the same time are just and fair to the power company receiving the franchise. I hope, therefore, that the gentleman from Illinois [Mr. FOSTER] will understand that the very purpose of this amendment is to protect the public against exorbitant charges and unjust discriminations by the Dixie Power Co. or its assigns.

In conclusion, I will add that the construction of this proposed dam and the development of a great water power thereby will be of incalculable benefit to the people of Arkansas. It will stimulate development along many lines and will create new industries and new enterprises, all of which supply employment for hundreds of workmen. It will utilize for power purposes a magnificent mountain stream little used for navigation, and I therefore hope that at the conclusion of this discussion all opposition will be withdrawn and that the conference report will be agreed to and that the bill will pass.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Certainly. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Illinois has 25 minutes.

Mr. FOSTER. I yield 15 minutes to the gentleman from Illinois [Mr. RAINEY] and reserve the balance of my time.

Mr. RAINEY. Mr. Speaker, I do not think I shall take that much time. The question of water-power development in this country and in Canada is in a formative state. There has not been much demand for water power until a comparatively recent period. There was not any demand for it until it was ascertained that without appreciable loss water power could be converted into electrical energy and could be carried 200 miles. Since then it has become valuable, and there is the best of reasons why it should. This bill may possess much merit. It apparently does. This amendment put in by the Senate seems fair upon its face and is a long step in advance, but it does not settle the question by any means. It is not an answer to the objections we make to these bills to say, what are you going to do about it; are you simply going to obstruct these bills; what do you want us to put in them and what sort of legislation do you want that will protect the interests of the States and individuals and the General Government? No man can answer those questions offhand. At the present time water-power lawyers are beginning to develop throughout the country, and they all take the water-power side of it, and they are filling the legal journals of the country with briefs and with arguments on the question of water power and its development and the right of the States and the rights of individuals and the rights of the General Government.

At the present time in Canada they have taken steps far in advance of anything we have attempted, and in the matter of water development in Canada they are ahead of us. In the Province of Ontario, Canada, in the last two or three years they have adopted a method of dealing with water power which may not be applicable here in this country, but which seems to suit them. They have appointed there a hydro-electric commission, and that hydro-electric commission has been given the power to appropriate land, take possession of water-power sites, and to control water-power development in the rivers, and they are leasing these water-power rights to municipalities within the Province of Ontario, and it seems to meet with general approval there and in other sections of Canada. Now, whether that would be a proper thing to do here or not I am not prepared to say. These numerous bills are each of them separate attempts to secure 50-year franchises from this Government for the purpose of developing water power in isolated localities. It is no answer to the objections made by my colleague from Illinois [Mr. FOSTER] to say "I have no interest in the general question of water-power development; I am just interested here in this particular question." If all of these projects go through and all other similar water-power possibilities are absorbed in this way, as they will be, it will not be long until there is no water power to conserve—the trusts will have it all. Now, I do not know much about the White River in Arkansas, but I have heard within the last two or three days that the company

which has attempted to secure the largest number of franchises down there is the company known as the Ozark Power Co., represented here now in the city of Washington by a very pleasant gentleman from St. Louis, who is here interested in this bill, and perhaps in other bills. He does not live in the State of Arkansas at all, but he lives in the city of St. Louis, and he is especially interested in this particular bill. Therefore I take it that his incorporators or the persons who are interested now or who will be ultimately interested—and perhaps the gentleman from Arkansas does not know who will be ultimately interested, and I do not know, either—will be somebody who lives outside of the State.

I understand the Ozark Power Co. has already secured certain rights in other portions of the White River; that high above this particular section where it is sought to put in this power plant another company—I do not remember the name now—secured a franchise some time ago by a private bill which passed through Congress, and the Ozark Co. immediately took over the other company. This same Ozark Co. is also interested in another bill reported out by this committee and asking for another franchise to build another dam at still another power site on this same river. Now, if this bill goes through granting these rights to the Dixie Power Co. in this river, what assurance have we that it will not be long before the Ozark Co. takes this particular project over? There is nothing to prevent the transfer of these franchises from the individuals who get them or from the companies who get them to any other company. Now, the mere fact that individuals are here from Tennessee asking for the right to build a dam across a river is of itself a circumstance that should compel Congress to examine carefully into the project. It takes millions of dollars to develop a river, a million dollars to build a dam and the locks that the Government might afterwards require to be built there, and individuals can not float that kind of an enterprise; and whenever we hand to individuals a franchise—and we do not know how valuable it is; there is no evidence before the committee of this House to show how valuable any of these franchises are—when we hand them that we have given them something they can sell the next day for \$100,000, perhaps, and we do not know it. Most of these bills are speculative. It has not been long since a number of little companies were organized to develop power down in South Carolina, and it has not been long since the country found out that the Southern Development Co.—I think that is the name of the organization—controlled all of these power propositions and were extending their operations into other States; and we know now, at any rate I have reliable information, that the Southern Development Co. are the Duke tobacco people. They have developed power in South Carolina until at the present time they develop 260,000 horsepower of electrical energy every year, more power perhaps than is developed in any of the States in the Union except New York, where they have over 800,000 horsepower—where they have Niagara Falls—and perhaps also California and the State of Massachusetts.

I heard only yesterday, from a reliable source, that the Southern Development Co., after arranging to supply power for all these factories and arranging contracts with cities to supply the electricity with which to light their streets, and after having made it absolutely necessary for these factories and municipalities to be dependent upon them—I heard yesterday that the Southern Development Co. had notified all their patrons that as soon as the present contracts terminated they proposed to raise the price for the power they were supplying to these individuals and to these municipalities. Now, the power possible to develop in rivers is just as valuable as the coal that lies under the surface of the ground. You do exactly the same things with it, and our coal supply, we are told, is rapidly diminishing. Now, would it be right for Congress, if it could, to pass an act without any investigation granting all of this over to corporations—

Mr. GALLAGHER. And you do not know who the individuals are.

Mr. RAINEY. And that would not make it right, if you did—to go on the public lands and to give them the right over 100 square miles of territory for 50 years to mine coal and to take out all the coal they wanted to mine. Why, such a bill as that, if it passed this House, would cause a wave of opposition and indignation to sweep across this country. Why? Because people understand about coal, because they know its value, and because they have been using it for centuries in the world. They do not understand about water power, they do not understand the potential value of our rivers that flow down to the seas, and yet for hundreds of years and thousands of years, as my colleague from Illinois [Mr. CANNON] has said, these rivers have been flowing on down to the seas, this power has been created every minute of every day of a million years, and has been



going to waste until now, and the time has now come to develop it.

The time has come to develop it because it must be done, and because it can be utilized, and because it can be sold 200 miles away from the place where it is generated on the rivers. If the time has come when this valuable property which the Government owns can be used and can be sold—has not the time come, before we do that, to find out what we are giving away and to find out how valuable it is? Now it is proposed to turn it over under the policy embraced in the general dam act which simply provides for the restoration of the navigability of rivers after these power dams have been completed, and which attempts to do nothing else of importance. That is as far as we have gone with the question of developing a water-power policy in this country. In Norway they develop water power, and I understand it is done by the State, and they sell it to the consumer there at from \$4 to \$6 per horsepower.

Throughout this country we are developing water power on sites where it is easier to develop power than it is in that country, and on rivers that are bigger, and in places that require less investments of capital. Corporations are doing it, and individuals are doing it, and they are selling it to consumers at \$25 per horsepower. When there is such a varying price in the amount consumers have to pay in different parts of the world to-day, does not that at least indicate that before we give all these things away we ought to find out what we are giving away, and then we ought to find out how to give it away, if we are going to give it away. But whether or not the State or National Government is entitled to receive revenues in order to protect—

Mr. SHACKLEFORD. Which is entitled to the revenues, the National or the State government?

Mr. RAINEY. It is a moot question.

Mr. SHACKLEFORD. In the opinion of the gentleman.

Mr. RAINEY. My opinion would not be any better than your opinion. You are welcome to your opinion and I am welcome to mine. I will state to the gentleman from Missouri [Mr. SHACKLEFORD] that I am not prepared to discuss at this moment that question.

Mr. SHACKLEFORD. Are you prepared, then, to vote on it? Mr. RAINEY. I am commencing to study this question, and I propose to form opinions on it, and I think every Member of this House ought to do it; but you can not vote intelligently on this question until you can form an opinion as to the rights of the State and the General Government.

Mr. RICHARDSON. Does the gentleman say that he ever read a law book that did not give the right of navigation to the Government and the State the use of it? Have you ever read a law book—

Mr. RAINEY. I have read a great many law books, I will say to my friend.

Mr. RICHARDSON. Do you remember ever to have read one that did not concede the fact that the Government alone had control of the navigation?

Mr. RAINEY. That is the law—the common law. It always has been so. I will say to my friend from Alabama [Mr. RICHARDSON] I hope the National Government is entitled to some revenue consumers from these plants. The question of water-power development is so new that the courts have not passed upon it yet. I will say that this question is being fought out in the courts of New York, and water-power lawyers are contending that the State can not exercise the powers it seeks to exercise over power companies in the interest of consumers.

Mr. RICHARDSON. I was one of the conferees on this bill and supported it, and I have my fixed and firm ideas about water power.

Mr. RAINEY. For which no man has greater respect than myself.

Mr. RICHARDSON. I am very glad to know that. You stated you wanted to know whether this dam had been provided for and taken care of. Why, do you not know it to be a fact that when—

The SPEAKER pro tempore (Mr. ROBINSON). The time of the gentleman from Illinois [Mr. RAINEY] has expired.

Mr. FOSTER. I yield five minutes more to the gentleman.

Mr. RICHARDSON. I would like, Mr. Speaker, a little time to express my views on this subject.

Mr. RAINEY. I will be glad to answer the gentleman's question, if I can.

Mr. RICHARDSON. When the House passes this bill, as it will do this afternoon, it will make it depend upon the water dam act, will it not?

Mr. RAINEY. Yes.

Mr. RICHARDSON. The dam acts as passed in 1906 and 1910?

Mr. RAINEY. Yes.

Mr. RICHARDSON. Now, is it not a fact that the Government requires of this party to pay toll?

Mr. RAINEY. I do not so understand it, and I have no confidence in these clauses which provide that this franchise can be revoked. The Government can not destroy property in this way, and if two or three million dollars is spent in this project the Government can not revoke this franchise without paying the men who have invested their money for their property, and the Government will not do so.

Mr. RICHARDSON. Now, who would those men pay for the use of the water?

Mr. RAINEY. I do not know. The Government has not adopted that policy yet, but I am hoping it will.

A great organization in this country, the National Conservation Association, with ample capital and means, is investigating this very question at the present time, and is employing the highest legal talent in solving it. They have not yet reached a conclusion, and, if they have not, I hope the gentleman from Alabama will not compel me to do it in 20 seconds of time.

Mr. RICHARDSON. I want to hear from you.

Mr. RAINEY. You may some day, but not now.

Mr. TRIBBLE. Does the gentleman think, with the great progress of this country, that we should stand still and wait for that society to make up its mind?

Mr. RAINEY. I think that we have stood still in this country as to the question of giving away these rivers from the time the bells rang out announcing the adoption of the Declaration of Independence, and if we have stood still upon this question that long, now when it becomes a vital question, no man, except those individuals and these corporations who are trying to grab off these valuable franchises, can be injured in the least by waiting a little while longer, until we find out what we are doing.

I was in this House about nine years ago when a bill passed without any opposition, by unanimous consent, because then we did not know about water power, granting to a private corporation the right to dam up the Mississippi at the city of Keokuk. And they have built there now the Keokuk Dam, one of the greatest dams in the world. We are all proud—those of us who live in the States adjoining that river—of that magnificent enterprise. It is the greatest dam in the world, perhaps, except the dam erected down on the Isthmus of Panama at Gatun and the dam erected by the British Government across the River Nile. It is nearing completion. They got that franchise without the payment of a single dollar to any State or to the National Government.

Mr. MANN. Mr. Speaker, does the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to his colleague?

Mr. RAINEY. Yes; I will yield.

Mr. MANN. Does the gentleman know that that franchise cost them about \$2,000,000 in improvements for the benefit of the General Government?

Mr. RAINEY. No. I know they have expended more than that amount, as I understand it.

Mr. MANN. For the benefit of the General Government, I say?

Mr. RAINEY. No; I do not understand it so.

Mr. MANN. That is the case.

Mr. RAINEY. They built better locks there than were there before. The gentleman is right about that, but they already had locks there that were ample.

Mr. MANN. But not the same ones.

Mr. RAINEY. The gentleman is right about that. They built new locks. They are not the same locks.

That dam is now nearing completion, I say, across the Mississippi River. I was informed by a stockholder of that company not over four days ago that they had made a contract, to commence next year, as soon as they generate power there—a contract with one of the traction companies in St. Louis—to furnish it with enough electric power to move its cars along its tracks in the city of St. Louis, and that the income that they expect to derive from that one contract, which, so far as I know, is not one one-thousandth part—it is certainly only a fraction—of what they will be able to produce when they fully develop this plant, will pay 5 per cent interest, the interest required to be paid on their bonds, on their entire bond issue, and the rest that they can get out of it every year is absolutely clear. In the meantime they are going through the States of Iowa and Illinois and Missouri acquiring rights of way for transmission lines. A company is making arrangements

to build there in the coal section of Illinois what water-power advocates claim will be a steam plant to compete with the Keokuk Dam, where they propose to produce electricity by steam and supply the cities of Chicago and St. Louis from there. They are now arranging to build that great steam plant. It is only about 150 miles away from the Keokuk Dam. I make this prediction: I will say that I do not know anything in detail about this proposed steam plant, but I have been examining into these water-power companies and looking into their ways of doing business, and I make the prediction that they can not market their power for the purpose of moving cars along traction lines every day; they can not market their power to run factories every day, unless it is possible to supply them with power all day long and every day in the year. There are times when the Mississippi River freezes solid, and the Keokuk plant can not then develop power; and there are times when the water is low in the river, when they can not develop all the power they need.

Then, what do they need? A steam plant. That is why they are cornering coal fields there in central Illinois for the purpose of establishing a steam plant to enable the Keokuk company to supply electrical power when the Mississippi River fails, is low or is frozen over. This steam plant, we will find, is not a competitor for the Keokuk Dam, but we will find it will be a part of that project. I want to see the power facilities of our rivers developed, completely developed, but I would like to see the development occur when we determine how it ought to be done, when we have taken steps to protect the National Government and the States of this Union and individuals who, in this period of diminishing coal fields in this country, will soon need this power, and who ought to be protected by this Congress.

My position is that it is not a wise policy now to give these things away indiscriminately in advance of knowing what we are doing, and I think we will know what we are doing in a short time.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RAINEY. I yield to my colleague.

Mr. MANN. I understand the gentleman to state that this Keokuk company had arranged to dispose of not to exceed the one-thousandth part of their power?

Mr. RAINEY. I do not know enough about the Keokuk company to speak positively as to this. When I said they were doing that, I meant to say that they were disposing of a relatively small amount of the power they can develop there to this one company, and that the relatively small amount they were so selling will pay the interest on all of their bond issue, and therefore they are left with tremendous profits; I do not know how much.

Mr. MANN. I want to say to the gentleman, further, that the gentleman who gave him his information was indulging in a "pipe dream."

Mr. RAINEY. He may have been, but—

Mr. MANN. It may have been because he was an enthusiastic stockholder.

Mr. RAINEY. I will say that I got my information from a stockholder of the company, and he told me that is what the company claims they can do. He has made his investment; he thinks he is going to make some money.

Mr. MANN. Those companies issue very glowing prospectuses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, if no other gentleman from Illinois desires to speak, I would like to bring this debate to a close.

Mr. SIMS. Mr. Speaker, I ask for just one minute.

Mr. AUSTIN. Mr. Speaker, I would like to have 10 minutes.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. SIMS. Mr. Speaker, I want to ask the gentleman from Illinois [Mr. RAINEY] a question. Is it the contention of the gentleman from Illinois that in all of these cases of water-power improvement, where it requires an act of Congress to

make improvements, Congress does have the right to place upon the grants such conditions as Congress may see proper to impose?

Mr. RAINEY. I think so; yes.

Mr. SIMS. That is the groundwork of the gentleman's whole contention?

Mr. RAINEY. No; the groundwork of my whole contention is that we do not know what we are doing.

Mr. AUSTIN. When are we going to know?

Mr. RAINEY. And my contention is that we ought to know what we are doing.

Mr. ADAMSON. Mr. Speaker, the gentleman from Tennessee [Mr. AUSTIN] insists that on account of some things said in debate he ought to have some time, and I yield to him 10 minutes.

Mr. AUSTIN. Mr. Speaker, I believe it the duty of the American Congress—of every Member of Congress—to do practical things in the discharge of our official duties here, not to indulge in idle dreams and fancies, not to delay the development of this country until the gentleman from Illinois [Mr. RAINEY] makes up his mind as to what the policy of the National Government should be in reference to these power propositions. He has already admitted in this discussion that for nine years this matter has been held in abeyance, awaiting some policy that might meet with the approval of the impractical and the dreamers on this and other kindred subjects.

Every water-power development means a conservation and the saving of the coal in the mountains. [Applause.] Every lock and dam on a navigable river by a private company means the expense of that improvement to private citizens and the saving of that amount to the taxpayers of this country.

Mr. SHACKLEFORD. Every water-power development means the loss of that amount to the coal barons who sell their coal at high prices.

Mr. AUSTIN. Yes. It is a question of whether we will have now in this day and time and generation a cheaper motive power by the development of the water powers of the country or whether we will forever procrastinate and delay the settlement of this question and in the meantime permit those who control the steam or fuel supply of this country to continue to sell power at high prices and thus increase the cost of running every plant in America. It not only means the development of these streams for practical slack-water navigation now to every community upon them, but it means a cheaper transportation rate for the products of the farm, the factory, and the mine. It means an investment of millions of dollars in the employment of thousands of workmen at good wages. Yet the gentleman [Mr. RAINEY], when questioned on the floor of this House, could not answer a specific question as to whether the States or the National Government should collect a royalty from water-power companies. Well, are we going to delay it until he reaches a conclusion? He says it has been a disputed question for nine years.

I asked the other day for the passage of a bill which meant a saving to the taxpayers of \$3,000,000 on the initial improvement of a river that would give cheaper coal transportation to the cities and towns along the Tennessee and Mississippi Rivers, and insure the maintenance and operation at private expense for all time of the locks and dams upon the Clinch River. Yet the gentleman who has addressed the House [Mr. RAINEY] objected to it. Well, if the Government insists upon the withholding of water-power rights, then we demand of the Government the immediate improvement of that river at the expense of the taxpayers of the country. Magnificent water powers in the South have been and are running to waste and will continue to do so until the theorists and dreamers of this land decide what they want to do. As a practical Member of this House and one living in the present and not in the distant future, I want to see legislation along practical lines for the people that sent us here to legislate, and not indulge in dreams and speculation. The gentleman from Illinois [Mr. RAINEY] modestly admitted the other day that in objecting to four or five of these bills he had saved the taxpayers \$25,000,000. I believe that to be a pipe dream. That gentleman the other day denominated these bills a steal and a robbery. One of them comes from a district represented by the honorable chairman of the Committee on Naval Affairs [Mr. PADGETT], and a more honorable man does not sit upon the floor of this House. [Applause.] His was a bill to dam a little river in his district—Duck River—by a private company composed of his own citizens, to develop less than 2,000 horsepower and bring into the towns of his district cheaper power. Yet it was denominated on the floor of this House a steal.

Here is the gentleman from Missouri [Mr. SHACKLEFORD] who has been here many years. I repudiate the idea that he is back



of any steal in offering and advocating a bill for water-power development in his district. The gentleman from Iowa [Mr. PEPPER] is the author of another bill. I do not believe he could be misled or seduced or deceived into fathering a bill which was a steal or a robbery. The general dam act of the United States says the Secretary of War and the Chief of Engineers shall have authority to impose upon every one of these companies compensation to the United States for any right or privilege in the years to come. Is there not ample authority in every State of this Union to regulate the question of rates for the use of power in any county in a State? These companies can not live without an income, which they must derive largely from furnishing cities and municipalities power for street and lighting purposes. In the State of Tennessee every mayor and board of aldermen have the right to say, "You can not enter the corporation limits unless you frame your schedule of prices so and so."

Mr. RAINEY. Will the gentleman yield?

Mr. AUSTIN. No, sir.

The SPEAKER. The gentleman from Tennessee declines to yield.

Mr. AUSTIN. No man accusing me of fathering a steal can have any of my time on the floor of this House. [Applause.] There is power, under the general dam act, in the Secretary of War to protect the people of the United States. There is authority in every State legislature and every municipality to protect and safeguard the interests of consumers of power. This Congress, while Democratic, has been legislating in the interest of the people. Let them keep up that splendid record by being practical and doing something to develop the industries of the country and advance water-power projects, which means cheaper transportation on the rivers and cheaper motive power in many hamlets and cities in the land. Do not be driven from this great undertaking in the growth and development of our splendid Republic by the demagogue of this House or any man who, in order to oppose it, must unkindly and unjustly reflect upon the honor and the manhood of the men who introduced these bills in good faith. [Applause.]

Mr. ADAMSON. Mr. Speaker, the beautiful speeches in this academic discussion have consumed so much time I am loath to extend the debate to any great extent, and I am perfectly content to close with a very few remarks before I move the previous question, if the House will first grant me permission to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, as I understand it, the gentlemen who have so eloquently spoken and covered such extended territory of learning and wisdom are not opposing the particular bill now in question. They are talking on general subjects, and, like Judge Longstreet's man who was out in the woods preceding the fight on the market day and was pummeling the ground and punching holes and cussing and bragging, they are simply showing how they "could have fit" if there had been issue here. [Laughter.]

Mr. Speaker, I deny that the innocent little bill involved here is helped or harmed by the Senate amendment. I yielded to that amendment because I was assured by the Senate conferees that the gentleman from Arkansas [Mr. FLOYD], my colleague, could not pass his bill, which was very necessary to the people of his community, unless that was added. The idea that that bill gives to the State of Arkansas authority to do the things recited in it I utterly repudiate and deny.

The State of Arkansas already had the authority to do what the amendment provides. If she did have it, Congress has no power to order her to do it. If she has not the authority, Congress has no power to give it to her. I do not know whether the amendment seeks to give the authority to Arkansas or seeks to order her to do it herself, or provides that it is done by Congress. In either event it is idle and nugatory. Certainly that part of it which provides for discrimination against the citizens of other States in favor of the citizens of Arkansas is unwise and contravenes our purpose to regulate interstate commerce. Persons have a right to run their lines across the State lines. If they do, then the transmission of power across the line will be interstate commerce. The very purpose of the commerce clause of the Constitution was to prevent the citizens of one State from discriminating against the citizens of another State.

I think every State should, like my own State, understand the duties of statehood as well as the rights of statehood and recognize the difference between States which helped make the Union and States which Congress made. Rightly interpreted,

there is no difference and they are on the same basis, and all of them are charged with the duty of local responsibility and government instead of throwing it onto Congress.

It would also be well for statesmen to learn and observe the difference between the principle and form of government obtaining in this country and in Canada. The State of Georgia successfully controls and regulates the transmission, distribution, and rates of power and light within her borders. Every other State that is worthy of statehood can and should do the same.

I did not stop to quarrel about my views. I wanted this water power to be developed and I yielded. My colleague from Alabama, Judge RICHARDSON, thoroughly agrees with the doctrine that where a State grants authority to a corporation or an individual owning the land and the shoals, and the Government will grant its consent under conditions for water power to be developed in such a way that it will not obstruct navigation, then the State and the citizens have the right to the revenue and to control the same and not the Federal Government. [Applause.]

Mr. RICHARDSON. Mr. Speaker, I ask consent to reply to the remarks just made by the gentleman from Georgia [Mr. ADAMSON]. I do so as one of the conferees who differs with my friend from Georgia [Mr. ADAMSON]; and to such an extent did we differ that we struck out the statement entirely, and we unanimously reported the bill. I favored the bill as the same was signed by the conferees; but I have fixed and matured views on water powers, but I deem it unnecessary to apply my views to this Arkansas dam.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice the gentleman signed the conference report.

Mr. RICHARDSON. I did.

Mr. MANN. There is no division as to that part of it.

Mr. RICHARDSON. Of course there is no division, but there was a division, a marked division, in the writing out of that conference report before the signing of it, and then afterwards we altered it.

Mr. MANN. I do not object.

The SPEAKER. If there is no objection, it will be so ordered.

Mr. RICHARDSON. That portion of the conference report to which I objected is as follows:

Sec. 2. It is understood and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

It now is due to myself to say I did not believe that reference to the rights of the State of Arkansas had anything on earth to do with the Dixie Power Co. It could not add anything to the rights of the State of Arkansas and could not take anything from the State rights, and especially in relation to water powers in dams or otherwise.

I believe that the act to regulate water power, outside of its provisions to regulate navigation of navigable streams, will be yet passed on by the courts, and I hope a case will soon reach the Supreme Court of the United States and give the country light on this important question—upon what responsibility is charged on these dams and from what source.

Mr. ADAMSON. Mr. Speaker, I am not acting upon any idea that I will enforce my views or stop the machine. I have stated to the distinguished gentleman from Illinois [Mr. FOSTER], who is a doctor and not a lawyer, and whose views therefore on these questions are entitled to be received with toleration, that I was willing, perfectly willing, to have hearings to amend the general dam act if he or other gentlemen would show to us defects in it or meritorious provisions which ought to be added, and we intend to do that. We intend to appoint a subcommittee to summon every solitary one of these gentlemen before it and find out just how many divergent views and opinions there are, and what things ought or ought not to be put in as amendments, and whenever that is done we will report it to the



House. We expect to do that at the next session of Congress. I have further told the distinguished gentleman, in reply to what he said about it, that instead of objecting to particular bills and obstructing progress and the development of water power he should rise and offer some amendments to the bill, but he was afraid he could not pass them, and that did not suit him.

It was easier simply to object to the consideration of the bill than it was to offer an amendment and make a suggestion to the House and let the House pass upon it. Now our idea is to have such authority in the general dam act which we have adopted under which we refer bills to the Secretary of War. We think the general dam act is sufficient, but we are ready to amend it if necessary. If the Secretary of War and the Department of Justice do not do their duty, we can not help it. I admit I am not perfectly qualified for trust busting, and to hear men talk there are a great many who can beat me at trust busting, but I have never seen the practical and beneficial results of any of their work in that respect, and I say, Mr. Speaker, that I do hate, with a pure and holy hatred, any combination which excludes or limits the rights and opportunities of fellow men and pockets unjust profits by combinations and trusts, raising prices to consumers and putting men out of employment and destroying their opportunities. [Applause.]

I hate them with as much red-eyed hostility as any progressive reforming apostle of pretended advancement who is or ever was in this country. But I want something practical. If there is any one of these cases that is bottomed in rascality, of which they did not learn in time to come before the committee with the information, they can get up and state it to the House. Specify—general innuendoes and insinuations do not become great statesmen. Let them get up and say thus and thus is true of a particular case. This man is a rascal; he has gobbled up all the opportunities, all the steals, all the resources, and I will move to strike out the item from an omnibus bill, or I will vote to defeat this or any other bill. But they are not specifying any particular thing. Now, the gentleman from Illinois, the last speaker, by beloved friend RAINEY, for whom I have great affection and regard, excuses his performance in this case, in my judgment, by saying he has just commenced to study the question. Well, we have been studying this question for many years. There is nothing he has named that happened since the first general dam act was passed. Nothing wrong has developed since the general dam act was passed, as brought out by my friend from Illinois [Mr. MANN]. If there is, it is the fault of the Secretary of War. It is up to him to fix any condition under the sun on which these dams can be built. Now, in all fairness I say to my beloved friend from Illinois [Mr. RAINEY] he ought not to stop us at this point. He halts the progress of development, he deprives men of the present generation, whose lives are growing shorter every day, of opportunity while he is studying the question. We want him to study it. The gentleman has studied lots of questions and has gained knowledge from them and benefited the world thereby, for he is straight on most of them; but while he is studying water power and learning the difference between a dam which private capital builds, by the consent of the Government, on which the private owners have the right to take the profits and which the States have the right to control, and those which the Government builds in the improvement of navigation, which pays the expense of it, and thereby becomes the riparian owner and proprietor as well as the Government—while the gentleman is learning that distinction, which we have learned years and years ago, let him not obstruct these projects. Let progress go on; let us pass these little bills, and no man, Mr. Speaker, will be more ready than I to vote down any bill at any stage where it is necessary to throttle a trust or deprive unholly cupidity of unjust and ill-gotten gains. I yield to the gentleman from Iowa. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes.

Mr. MANN. The gentleman had an hour. He has not consumed his hour.

The SPEAKER. The gentleman did not have an hour when he began his last speech.

Mr. MANN. Certainly, the gentleman did not consume all his time. I took the floor in my own right in the first place. I did not get time.

The SPEAKER. Possibly the Chair is entirely wrong about it, but the gentleman from Georgia first got the floor, and he was entitled to an hour.

Mr. ADAMSON. I think the Speaker is in error; the gentleman from Illinois took the floor.

The SPEAKER. The gentleman from Illinois spoke in his own right. How much time did the gentleman from Georgia parcel out?

Mr. ADAMSON. Ten, fifteen, or twenty minutes since I took the floor. [Laughter.]

The SPEAKER. The gentleman from Georgia has 20 minutes left.

Mr. ADAMSON. I am not stingy about a little matter of this sort myself. I yield 10 minutes to the gentleman from Iowa. Under leave to extend my remarks in the Record, I submit the following report:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report (No. 1050), to accompany H. R. 25882:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified, having considered the same, report thereon with a recommendation that it pass.

The first six projects mentioned in H. R. 25882 were each separately reported to the House, placed on the Unanimous Consent Calendar, on threat of objection postponed for two weeks, and then all but one stricken from the Unanimous Consent Calendar on single objection, the objector stating "because the Government has as yet adopted no fixed policy with reference to the water powers in our navigable rivers, and that all of these reports are very meager and insufficient." In point of fact, each bill was accompanied by a report containing the following, which in the judgment of this committee was not meager nor insufficient.

It was carefully and fully prepared by Mr. STEVENS of Minnesota, who understands the subject and was a member of the subcommittee of able and faithful members who prepared the amendments of 1910 hereinafter referred to.

"The War Department sent to the committee the foregoing letter from the Chief of Engineers approving the bill, but the Secretary of War transmitted a report proposing some changes in the bill which we are unable to approve for the reason that every suggestion he makes is already provided for in the general dam act. The great diversity of circumstances and conditions presented in the multitude of projects seeking authorization by Congress render it difficult and cumbersome to enact extended legislation to prescribe and provide detailed regulations and specific requirements in the bill authorizing each project. Therefore Congress wisely standardized the form of the bills granting the consent of Congress and enacted the general dam act conferring upon the Secretary of War and the Chief of Engineers full power and authority to consider all the questions now raised by the Secretary of War and dispose of them absolutely in each case as conditions of the approval of the plans and specifications presented to him without which no dam can be lawfully constructed. Having by the general dam act conferred absolute power upon the Secretary of War to dispose of all these subjects, to the full protection of the public and the promotion of navigation, we deem it unwise to nullify a beneficial purpose of the general dam act by returning to the suggested old method of incorporating in each bill all legislation upon the subject.

"In the report upon this bill the Secretary of War has suggested amendments in two respects: First, for additional compensation to the United States because of the use of its rights in the generation of the power and the consequent profit from such use; secondly, some reservation for the control by Congress of the rates to be charged to consumers. The committee has carefully considered these suggested amendments and is of the opinion that the substance of them is fully covered by the provisions of the general dam act of 1910. The second proviso to section 1 of this act reads as follows:

"That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed, with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States."

"This requires the Secretary of War to consider a comprehensive plan for the improvement of the whole waterway affected by the proposed dam, both for navigation and water power, and as a part of his approval of the plans to provide for the improvement of navigation and to fix such charge for the privilege granted as may be sufficient to restore condition in respect to navigability as existed at the time such privilege be granted."

"In case where the United States has not made improvements and has no property rights in connection with the waterway, this proviso authorizes the Secretary of War to fix charges for whatever rights of the United States which now or can exist with respect to navigability of this waterway in any way affected by this project. The Secretary of War may impose such proper charge as he may see fit upon this basis and within this limit. So the committee does not believe that any further extension of authority is necessary, and a construction of this language in the existing law can secure all the Secretary of War desires within the limits of the constitutional powers of Congress.

"Second, The suggestion that Congress reserve the right to supervise the price charged to consumers is guarded by the general dam act by the right to 'alter, amend, or repeal this act' and by the expiration of the franchise at the end of 50 years. The proper authority to control the charge to consumers are the several States, in the exercise of their police powers, while the United States can only act subordinate to them, by conditions made a part of its grant authorizing the construction of the dam. This subordinate right of control should only be exercised in flagrant cases where the State is unable and unwilling to properly perform its functions. Such cases should not be assumed. But if any shall arise in the future, Congress may amend its grant by fixing conditions as to proper charges for the consumers, if it shall be shown to be necessary for their protection. But now it does not seem wise to presume that the several States will be derelict in their responsibility to their own people."

Neither does your committee acknowledge that the Government has not as yet a fixed policy as to water power in our navigable streams. On the contrary your committee for seven or eight years worked upon a general scheme whereby the Government could consent in uniform method to improve water power without in any way conflicting with the



activity of the Government in developing and maintaining the navigation of rivers. Finally our investigations culminated in a bill introduced by the gentleman from Illinois [Mr. MANN], one of the most astute and profound statesmen of the present generation.

Your committee has observed the vast number of projects demanding the aid of the Government to perfect navigation, and the hundreds of millions of money required for that purpose, as well as the improbability, if not inability, of the Government's undertaking such vast expense within any reasonable period of time. Therefore we conceived the idea that in the shoaly rivers of the country, which could not be navigated without the expense of locks and dams, yet in which shoals owned by private citizens offer tempting opportunities for the development of water power and the conservation of our resources, the Government might avoid the great expense of building dams and locks, hasten the navigability of the rivers, and at the same time permit the development of water power by private capital by granting the consent of Congress that private capital and enterprises might erect dams in such streams, under the direction and with the approval of the War Department, imposing such conditions and requirements as would prevent such development of water power from interfering in any respect with any movement the Government might afterwards wish to make to improve the navigability of the stream, but on the contrary would advance the interests of navigation and help the Government by eliminating the expense of the dams.

The bill introduced by Mr. MANN in pursuance of that idea became a law known as the general dam act, and was regarded by the leading statesmen of the country and the business interests of the country as a happy solution of the question. We had not sought to interfere with or regulate those projects undertaken by the Government itself at the cost of the Treasury for the improvement of navigation, all of which were under the jurisdiction of the Committee on Rivers and Harbors and depend upon an entirely different principle, or rather a radical variation of the same principle. In those cases the Government, becoming the proprietor of the soil, assumes the position as proprietor as well as governor, and while it governs all the operations and regulations as governor it has the right to take the profits and manage all the private details of same as the owner. With those dams we have nothing to do. Some persons, however, either without sufficient acquaintance with the system and the proper distinctions, or differing in judgment from us as to the correctness of those distinctions and the sufficiency of the general dam act, demand more detailed legislation, and pursuant to that demand the late President took a position, sustained by a few Members of the House and Senate, which resulted in arresting the development of water power in the country, and to that extent the development of navigation in those shoaly streams, by suspending for several years the granting of the consent of Congress to such projects. We believed the act needed approval and enforcement rather than amendment, but while not conceding any insufficiency in the terms of the general dam act, your committee, anxious to secure the development of our resources and their conservation for the benefit of the people, proceeded to consider amendments to the general dam act. The distinguished author of the general dam act, Mr. MANN, of Illinois, and the author of this bill and report both opposed any amendment to it on the ground that under its terms the interests of the Government were fully protected and the powers of the Government fully recognized, contending that the granting of the consent of Congress was wisely and succinctly standardized, making it only necessary by individual bills to refer each project to the discretion of the Secretary of War and placing upon that official the responsibility, while vesting him with plenary power, to couple with his approval of the plans and specifications all conditions and requirements necessary to protect the interests of navigation, the good of the country and public, and the interests of the Government in all respects. In order to secure action, remove objections, and resume the process of development in this respect, we yielded our objections, and by the Stevens bill of 1910, after full conference and clear understanding with the ex-President, who had given force to the objections, the War Department, the incumbent President, and every person and official known to have insisted on such amendments, the bill was amended, and it now reads as follows:

#### GENERAL DAM LAWS.

[Public, No. 262.]

An act to regulate the construction of dams across navigable waters.

*Be it enacted, etc.,* That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dams shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

SEC. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions

of this act, shall be liable for any damage that may be inflicted thereby upon private property either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

Approved, June 21, 1906.

[Public—No. 246. H. R. 24375.]

An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

*Be it enacted, etc.,* That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when authority has been or may hereafter be granted by Congress, either directly or indirectly or by any official or officials of the United States, to any persons, to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans and specifications for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power, and, as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by



the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States: *Provided further*, That the Chief of Engineers and the Secretary of War are hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of this act which shall receive any direct benefit from the construction, operation, and maintenance by the United States of storage reservoirs at the headwaters of any navigable streams, or from the acquisition, holding, and maintenance of any forested watershed, or lands located by the United States at the headwaters of any navigable stream, wherever such shall be, for the development, improvement, or preservation of navigation in such streams in which such dams may be constructed.

"Sec. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

"Sec. 3. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam, or accessory works, subject to the provisions of this act, shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than \$500, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor.

"Sec. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: *Provided, however*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

"Sec. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons and recovery had for such expense in any court of competent jurisdiction. Said provision as to recovery of expense shall not apply wherever the United States has been previously reimbursed for such removal; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or the Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War, and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

"Sec. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

"Sec. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

"Sec. 8. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and the plural, as the case demands."

Approved, June 23, 1910.

Your committee submits to the judgment of a candid world as well as to the statesmen and lawyers in the House and out, if the act as amended does not present and adopt a fixed policy with reference

to the water powers in our navigable rivers. A commission, known as the National Waterways Commission, composed of able statesmen of every shade of opinion, objection, and notion on that subject, has thoroughly considered the questions in all their aspects and details, and in conclusion advise that for the present we proceed as we have been proceeding. The Secretary of War, however, taking up some old suggestions that were insisted upon before the amendment of 1910, has demanded that each of these bills be amended so as to incorporate certain restrictions which the general dam act already permits the Secretary of War to impose in each case as conditions of approval if he sees proper. We can not concur in those suggestions, because one wise purpose of the general dam act was to avoid prolixity and multiplicity of detail in each separate bill, and the terms of that bill conferred upon the Secretary of War plenary power to impose those conditions. We have to consider it unwise to adopt his suggestion and thereby forego that much benefit of the general dam act, and we have disregarded his suggestion as to the eight projects in this bill.

The Corps of Engineers and the President are not in accord with the Secretary of War in his demands, and the recommendation of the Chief of Engineers is favorable to those eight bills; therefore we have not seen proper to adopt the recommendation of the Secretary of War, but reported the bills permitting the construction, maintenance, and operation in accordance with the general dam act as amended in 1910. Two of these bills have not at this time been reported to us by the War Department, and it is not usual for us to report bills until that is done, at least until some sort of report is made for us to consider and present to the House; but in one of these cases, No. 25881, the committee has been informed reliably that the project can not fall to be favorably reported by the War Department, because it is proposed to erect a dam on a site already selected and approved by the Engineers of the War Department for the erection of Dam 18 on the Coosa River, and the proposition offered in this project is that private capital will relieve the Government of that expense, if this consent is granted, and erect that dam in which a lock may subsequently be placed, on such terms as the Secretary of War sees proper to impose. Of course we expect from the Secretary of War the same letter, in substance, which he has adopted as to the eight bills in which we can not concur, and therefore we deem it unnecessary to wait for his letter. The other bill, No. 25592, we are advised will be favorably reported by the Chief of Engineers and accompanied by the same letter which the Secretary of War has used in the other cases. Being unable to concur in his propositions, we deem it unnecessary to wait for that letter. If, however, the report from the War Department should present other valid objections not now anticipated the committee will frankly bring the information to the attention of the House and ask to amend by eliminating this project.

We realize that combinations of capital monopolize water-power sites in the country, prevent the improvement of those they can not utilize profitably by holding them idle and unimproved, and use all arts and devices, just as combined capital does in every other activity, to oppress and wrong the public to its own gain, the ill-gotten profits of the promoters and bondholders if not stockholders. We reprobate the evil, and we seek jealously to guard against that and all other evil which might be incident to the encouragement of these projects, but we think those evil combinations ought to be broken up by prosecution for violation of the antitrust law, and we think the vigilance, wisdom, and activity of the War Department ought to place such conditions and restrictions upon the approval of the plans and specifications as will guard the interests of the Government, prevent as far as possible improper conduct on the part of those operating the project, and promote the interests of navigation, while permitting business development. While we wish to give effect to the all-powerful arm of the General Government in the exercise of its legitimate functions, we wish carefully to guard the exercise of those functions so as to prevent the infliction by such exercise and incident thereto of harm and injury to property rights and the personal right of the citizens of the country, being careful not to impair by activities of the General Government local responsibility or local authority.

Whether the general dam act must again be amended so as to grant the demands of certain statesmen for more specific restrictions is a question for Congress to decide, but we have not now time to decide it. It is important and ought to be done carefully and cautiously, and we have the support of the General National Waterways Commission in that position. Yet Congress is about to adjourn, and these projects are pressing. They ought not to be delayed on account of the notions of particular individuals who have perhaps never given the subject that consideration which might lead them to different conclusions.

The author of this bill has suggested that in the hope of satisfying all objectors we add the provision that the consent of Congress to these projects shall be subject to any amendment that Congress may hereafter make to the general dam act, but it was objected by leading Members of the House and the Senate that such provision would produce such uncertainty as to render it impossible to finance an enterprise, and those statesmen further insisted, as we insisted in those other individual reports, that the Government has ample power to protect by the reservation of the right of amendment, alteration, and repeal, but your committee is so anxious to avoid delay and retardation of development in water power and navigation under the scheme of the general dam act that your committee is perfectly willing and intends at the next session of Congress to take up all the suggestions of the National Waterways Commission in the consideration of bills now before your committee, and if it is found requisite to the safety and interest of the Government and the conservation of resources of the people to make any amendments suggested, your committee will certainly report them to this House for its action, and so anxious are we that the good work should go on that we are willing, as some of us did in the case of the amendment of 1910, to yield our convictions on the subject in order to secure peace and progress.

It is hoped that this report will not be considered too meager, and that pending the consideration of amendments to the general dam act the House will concur with us and pass this bill granting the consent of Congress to these projects. It is believed that none of them is obnoxious to any of the objections raised, that no alarm need be felt as to granting the consent of Congress to them pending the consideration of the amendments to the general dam act. If there are specific reasons why any particular one or more of them should be rejected, which reasons have escaped the attention of your committee, it would be easy and more fair to the authors of the projects and to the public for those who discover such objections to specify them, and your committee will gladly cooperate in eliminating any such project from the bill.

[Mr KENNEDY addressed the House. See Appendix.]



Mr. ADAMSON. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 64, noes none.

So the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arkansas [Mr. FLOYD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 20728, the Indian appropriation bill, and ask that it be considered on Tuesday morning next as to whether or not the conferees will be appointed.

The SPEAKER. Does the gentleman wish the conferees appointed now?

Mr. STEPHENS of Texas. No, Mr. Speaker. The gentleman from Colorado [Mr. RUCKER] has objections to it in connection with the West claim.

The SPEAKER. Now, what is the motion of the gentleman?

Mr. STEPHENS of Texas. The request is to call up the bill on next Tuesday morning and make it a special order.

Mr. BURKE of South Dakota. Mr. Speaker, let me make a suggestion, if the gentleman will yield. I think what the gentleman desires to do is this: That on Tuesday morning next, after the reading of the Journal, it shall be in order to take up the Indian appropriation bill and consider it in the House as in Committee of the Whole, and that all the amendments be disagreed to, with the exception of one amendment which the gentleman from Colorado [Mr. RUCKER] is interested in, and about that he may make a motion to concur. That, I think, is what is desired.

The SPEAKER. Where is this bill now?

Mr. STEPHENS of Texas. It is on the Speaker's table.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he ask unanimous consent now that on Tuesday next the bill may be taken from the Speaker's table and the Senate amendments be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Tuesday, immediately after the reading of the Journal, the Indian appropriation bill be taken from the Speaker's table and that the Senate amendments be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

#### AIDS TO NAVIGATION.

Mr. ADAMSON. Mr. Speaker, I desire to call up the conference report upon the bill H. R. 22043.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22043) to authorize additional aid to navigation in the Lighthouse Service, and for other purposes.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the report be read in lieu of the statement.

The SPEAKER. Is there objection?

There was no objection.

The conference report was read as follows:

#### CONFERENCE REPORT (No. 1060).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Light-house Service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to that part of the amendment of the Senate numbered 4, striking out the following words: "The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel at such position in the vicinity of Fry-

ing Pan Shoals as he may determine to be most advantageous to navigation"; and agree to the same.

Amendment numbered 4: That the Senate recede from that part of its amendment numbered 4 which reads as follows: "That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site, and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed \$125,000."

W. C. ADAMSON,

WILLIAM RICHARDSON,

F. C. STEVENS,

*Managers on the part of the House.*

KNUTE NELSON,

THEO. E. BURTON,

DUNCAN U. FLETCHER,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

By the terms of the conference agreement between the managers of the two Houses the House recedes on amendment No. 1 and part of No. 4, made by the Senate, while the Senate recedes from and abandons the other 18 amendments and part of No. 4, which propose authorizations in the aggregate amounting to about three-quarters of a million dollars. These 14 amendments and a part of one the House conferees could not accept, first, because they operated to change the character of the bill from a special urgent deficiency bill to meet emergencies into a general omnibus bill for aids to navigation, proposing an amount which we did not think at this time the House was willing to authorize; second, the parliamentary situation was such that we could not, in fairness to the Members of the House, accept them, because the Senate amendments represented projects of interest to various parts of the country, while other projects in which House Members were vitally interested could not be placed in the bill in order to equalize and render justice, because they were not in issue between the two Houses and could not, under the rule, be added. We thought it wiser to exclude them all, and in the future, when we are ready for it, prepare and pass a general omnibus bill fair to all interests and localities, Members, and Senators in so far as such projects may be necessary to promote the good of the service.

The two items which the managers on the part of the House saw proper to recede on and accept are No. 1 and No. 4. No. 1 authorizes two lightships, which are not only needed, but urgently needed, as shown by the following statement:

Of the 64 light vessels in the Lighthouse Service 1 is 63 years old and 8 others are over 50 years old. To maintain properly this number of light vessels, permitting them to be overhauled as needed and the older vessels to be replaced as they become worn out and unseaworthy, it is necessary that provision be made for the building of several new vessels each year. One vessel, No. 28, has been condemned during the past year, and two others, No. 29 and No. 50, are in a condition which permits of their use only on protected stations.

It is proposed to use the appropriation of \$250,000, the amount provided for in this bill, in constructing two new light vessels, to cost approximately \$140,000 and \$110,000, respectively. The larger vessel would probably be placed at Nantucket Shoals, which is the most important light-vessel station in this service, being the first aid to navigation sighted by trans-Atlantic steamers bound to the port of New York.

This vessel would be so designed that she could be maintained on her station for long intervals without likelihood of being displaced by storm, and with sufficient capacity to carry provisions and supplies for a long interval.

The smaller vessel, as well as the vessel which would be relieved at Nantucket, would be available for use at other light-vessel stations, and to relieve vessels worn out in service or vessels requiring periodical repairs. The present complement of light vessels is not sufficient to permit withdrawing various vessels from their stations as frequently as should be done for the docking and annual overhaul which is necessary to prolong their usefulness.

Therefore, regarding them as of the same emergency character with the items in the original bill agreed upon, we thought it wise to accept them; therefore we receded from amendment No. 1.

We receded from a part of amendment No. 4 for the reason that the lightship which the original bill proposed to authorize the Secretary to remove from the present station we found to be necessary where it is, and that if it should be removed, as

we originally proposed, it would necessitate the authorization of another lightship. Therefore we deemed it wise and economical, on the showing made, to recede from that part of the amendment and allow the lightship to remain at the station now located by law.

W. C. ADAMSON,  
WILLIAM RICHARDSON,  
F. C. STEVENS,  
*Managers on the part of the House.*

Mr. ADAMSON. Mr. Speaker, I move that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Will the gentleman yield to a question?

Mr. ADAMSON. Certainly.

Mr. MANN. On amendment 4, as I understand from the report, if I have read it correctly, both the House and the Senate provisions go out?

Mr. ADAMSON. Yes; that is right. The first part of amendment 4.

Mr. MANN. Neither one remains in?

Mr. ADAMSON. The vessel remains where it is, and depot goes out.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to ask the gentleman if under this arrangement the Goose Island Light item goes out?

Mr. ADAMSON. Every single one proposed by the Senate goes out.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### EXTENSION OF REMARKS.

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to give notice that on the morning of the legislative day following the completion of the general deficiency bill, after the reading of the Journal, I will move to take up for consideration the conference report on the naval appropriation bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. MANN. The general deficiency bill will undoubtedly take Friday and Saturday—that is, to-morrow and the next day. Next Monday is unanimous-consent day, and the gentleman can not come in then. It is set apart for unanimous consent.

Mr. PADGETT. I will call it up on Tuesday morning.

Mr. MANN. The Indian bill is fixed for Tuesday, and will take a little while. The gentleman will then proceed after the Senate amendments to the Indian appropriation bill are disposed of?

Mr. PADGETT. Yes, sir; that is my idea.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] notifies the House that on next Tuesday, immediately after the Senate amendments on the Indian appropriation bill are disposed of, he will call up the conference report on the naval appropriation bill (H. R. 24565).

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and

certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service;

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes;

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States; and

H. R. 25598. An act granting a pension to Cornelia Bragg.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 18083. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 12375. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 24598. An act for the relief of Jesus Silva, jr.;

H. R. 1739. An act to amend section 4875, Revised Statutes, to provide a compensation for superintendents of national cemeteries;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.;

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, County of Hawaii, Territory of Hawaii;

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected;

H. R. 13938. An act for the relief of Theodore Salus; and

H. R. 644. An act for the relief of Mary E. Quinn.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7050. An act to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes;

S. 6385. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes;

S. 6217. An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

S. 5262. An act for the relief of Sylvester G. Parker;

S. 1562. An act for the relief of William Walters, alias Joshua Brown;

S. 6408. An act for the relief of Margaret McQuade;

S. 4780. An act for the erection of a memorial amphitheater at Arlington Cemetery;

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 6341. An act to provide for the erection of a public building at Weston, W. Va.;

S. 7071. An act to establish an agricultural plant, shrub, fruit, and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas;

S. 7339. An act to provide for the entry under bond of exhibitors of arts, sciences, and industries;



S. J. Res. 99. Joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Elliott H. Freeland, Tattall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; and

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1562. An act for the relief of William Walters, alias Joshua Brown; to the Committee on Military Affairs.

S. 4780. An act for the erection of a memorial amphitheater at Arlington Cemetery; to the Committee on Public Buildings and Grounds.

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 6217. An act to amend section 29 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

S. 6341. An act to provide for the erection of a public building at Weston, W. Va.; to the Committee on Public Buildings and Grounds.

S. 6385. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 7050. An act to establish a mining experiment station in the State of Wyoming to aid in the proper development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

S. 6408. An act for the relief of Margaret McQuade; to the Committee on Claims.

S. 7071. An act to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experiment station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture.

S. 7339. An act to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Ways and Means.

S. J. Res. 99. Joint resolution authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Elliott H. Freeland, Tattall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; to the Committee on Military Affairs.

S. 5262. An act for the relief of Sylvester G. Parker; to the Committee on Military Affairs.

#### WITHDRAWAL OF PAPERS.

Mr. Copley, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William P. Fullmer, Sixty-second Congress, first session, no adverse report having been made thereon.

#### DELAWARE TRANSPORTATION CO.

The SPEAKER laid before the House the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*, with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion to concur in the Senate amendments was agreed to.

#### LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I desire to call up for further consideration the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] calls up the seamen's bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will resume the reading of the bill at the point where he left off on Tuesday.

Beginning on page 11, line 14 of the bill, the Clerk read as follows:

Sec. 10. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"Sec. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"SEC. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order or note or any other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

"(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"(c) That no allotment shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

"(e) That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

"The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles at the office of clearance and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

"(f) That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section."

Sec. 11. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to other seamen."

Sec. 12. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman: *Provided*, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher.

Mr. HUMPHREY of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HEFLIN). The gentleman will state it.

Mr. HUMPHREY of Washington. I desire to offer an amendment to that paragraph. It is this:

Page 13, line 21, after the word "States," insert the words "to any agreement made in American ports."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 13, line 21, after the word "States," insert the words "to any agreement made in American ports."

Mr. HUMPHREY of Washington. Mr. Speaker, I will explain the purpose of the amendment. We have prescribed in the other portions of this section that it shall be unlawful to pay wages in advance to any seaman or to make any note or any evidence of such indebtedness, and that if payment is made repayment can be enforced in American courts. Then there is

provided a punishment in American courts for violation of this section.

Now, I call the attention of the House to the fact that a contract that is made between two foreign subjects in a foreign country, a contract that is carried out upon a foreign ship, although that ship is in an American port, is a foreign contract, and that ship is deemed to be foreign soil so long as such contract, in being carried out, does not disturb the peace of this country or affect our rights. The authorities are uniform upon that question, and yet we propose here in this portion of the bill that if a British shipowner or other foreign shipowner pays in advance a portion of the wages of a British seaman in a British port, when that vessel comes into our port that contract is not only void, but that the owner of the vessel shall be imprisoned.

Now, that being a contract made abroad, between foreign subjects, being carried entirely upon the vessel, is in foreign territory, and we have no authority to enforce it; and I, for one, do not think we ought to attempt any such legislation as that, even if we could enforce it. I do not believe that this Government ought to attempt to tell the shipowners of Germany, England, Japan, and the other foreign nations how they shall pay their sailors, what contracts that they make in foreign ports, unless a portion of it is carried in our ports in some way that will interfere with the rights of American citizens.

As I said before, the authorities are clear, and, so far as I know, uniform upon that proposition. But even if we could do it, are we going to do it? Do you think that Germany or Japan or England is going to permit this country to tell her what kind of a contract her subjects are going to make with their own sailors in their country, in order that their vessels may come into our ports?

We have been hearing a great deal recently about the violation of the treaty with Great Britain with regard to the Panama Canal. But here we propose to violate every treaty that we have with foreign nations and absolutely to undertake to punish their citizens for making a legal contract in their own country, a contract that in no way concerns us.

The other day when the question was up the distinguished gentleman from Missouri [Mr. ALEXANDER] called my attention to the fact that this applied only to American ports, as he understood it. But I call his attention to the fact that the proviso that was in the original section has been stricken out, and I shall offer that also as an amendment.

I can see no good reason why we should get into complications with foreign countries over such a frivolous matter as this. It is small to us, but not to them, and they are not going to submit to it. And we know we can not enforce such a statute, and we know that we have no intention of trying.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. The purpose of this legislation, if there is any purpose in it, is simply a political one; simply an attempt now, before the campaign, to deceive some one; because there is no man in this House who believes that this Government is going to attempt, without at least first taking the question up with foreign nations, to pass such drastic legislation as that. No nation in the world has ever attempted to do such an insulting thing to other nations as we propose in this, if we attempt to make it apply to contracts and agreements made in foreign countries.

Mr. ALEXANDER. I wish to call the attention of the House to the fact that the provision in the bill to which the gentleman takes exception and to which he has offered his amendment is the present law, and has been the law for many years past.

The section relating to advances and allotments of wages, paragraph "f," provides that the section—

shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

The proviso does not appear in the bill. If the gentleman wishes to restore the proviso, as far as I am personally concerned, I have no objection. The proviso is as follows:

*Provided, That treaties in force between the United States and foreign nations do not conflict.*

Now, if we have a treaty with any foreign Government which would make the enforcement of this provision against a foreign vessel owner a violation of the terms of that treaty, then, of

course, we do not wish to violate the terms of the treaty; but I call the attention of the gentleman to the fact that we are under no obligation to enforce in our courts the provisions of a contract made in a foreign country any more than one State in the Union is under obligation to enforce the provisions of a personal contract made in another State, if it is in violation of the law of that State.

The different States of the Union have different statutes of limitations, and if the suit were brought in the State where the contract was made it would be enforced according as the statute of limitations of that State would apply; yet, if the suit is brought in another State, the statute of limitations in the State where the suit is brought would apply.

I think the gentleman is entirely too considerate of the feelings of foreign nations. He expresses a great fear that we may offend them when he says that we must enforce in our States all contracts that are made in foreign countries. We are under no such obligation, and this provision, as I have stated, is existing law. If we have a treaty that binds us to do so, then, so long as the treaty is in force, we do not want to violate the terms of the treaty; but I am not aware of any treaty in force which places any such obligation upon us.

Mr. HUMPHREY of Washington. Mr. Speaker, in view of the statement of the gentleman from Missouri in regard to the proviso, I will withdraw the amendment which I have offered and will offer the proviso instead. I think that eliminates my objection.

The SPEAKER. The gentleman withdraws his amendment.

Mr. HUMPHREY of Washington. In its stead I offer the following amendment, to come in after the word "violation," in line 25, page 13.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after the word "violation," in line 25, page 13, "Provided, That treaties in force between the United States and foreign nations do not conflict."

Mr. ALEXANDER. Let us have a vote on the amendment.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 14, line 1, after the word "the," by striking out the word "master" and inserting the word "captain."

Mr. HUMPHREY of Washington. Perhaps the gentleman knows that this portion of the statute is almost entirely new, so that we are not simply copying the old one.

Mr. MOORE of Pennsylvania. Mr. Speaker, we have reached a point in the bill where we are not dealing with existing law. This section is new, and therefore it is subject to amendment by the House without reflecting upon our legislative ancestors.

There is a theory in labor circles that the term "master" by contrast indicates serfdom. The converse of the term "master" is "slave." This bill is entitled a bill to abolish involuntary servitude. The gentlemen who have advanced this bill say that they wish to remove what they call the last vestige of involuntary servitude. The term "master" has been and is offensive in labor circles, and it seems to me the proper term to apply here is the term "captain" or "commander." I suggest the word "captain" because that best denominates the official status of the man in control of the ship.

Mr. HOBSON. I want to ask the gentleman, simply along the line of the philosophy of his point, how it is that labor itself has retained the title of "master mechanic."

Mr. MOORE of Pennsylvania. That is what I do not understand.

Mr. HOBSON. And, in the same line of philosophy, I would ask him how it was that in the United States Navy, instead of the grade of lieutenant we had the grade of master for a great many years without any implication of slavery in it.

Mr. MOORE of Pennsylvania. I think it is a term that has been handed down through the ages and that implies the mastery or control of men, which, on the other hand, would mean involuntary or even voluntary servitude.

Mr. HOBSON. Does it not also mean a certain skill or efficiency? You can master an art, you can master a trade or profession, as well as be a master of men.

Mr. MOORE of Pennsylvania. I will say to the gentleman and to those upon the other side of the House who bring in this measure as a Democratic measure, and with the support of those who stand for organized labor, that I would prefer as a legislator to perfect this bill, and I believe we can perfect it by taking out of it a term which implies servitude and replace it with one which does not have that implication. The



term "master" is not an American term. The term "captain" would be appropriate and would fit the situation.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. MANN. I have such great faith in the ability and learning of the gentleman from Pennsylvania—

Mr. MOORE of Pennsylvania. Oh, the gentleman need not dwell upon that. The gentleman from Pennsylvania makes no boast in that regard.

Mr. MANN. But it is a pleasure for me to dwell upon it.

Mr. MOORE of Pennsylvania. And in that respect the gentleman from Pennsylvania always yields to the gentleman from Illinois.

Mr. MANN. I would like to ask the gentleman, on account of his erudition, whether the term "master in chancery" implies that the court is a slave to the master or that the litigants are.

Mr. MOORE of Pennsylvania. Most of those who go into court find themselves enslaved in one form or another before they get out. I have been one of those on this floor who have not accepted as gospel every lawyerlike expression which has been handed down by those who seem to control the House. I think people should have some little freedom in legal matters. I do not like the term "master." If the gentlemen on the other side of the House want to vote upon the sailors the term "master," it is up to them. I suggest to them that we take it out and that we say the man in control of the ship is the captain and not the master of the men on the ship.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. COVINGTON. The gentleman from Pennsylvania [Mr. Moore] is usually clever when he is not serious. I, of course, can not believe that he is serious in offering an amendment to change the word "master" to the word "captain." His amendment in the present instance is, however, not cleverly facetious. It is simply ridiculous. It is obvious to him, familiar as he is with the navigation laws of the United States, that the word "master" has a peculiar significance in its application to the merchant marine of the country.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. COVINGTON. I do.

Mr. HARDY. I think the gentleman from Maryland is taking the gentleman from Pennsylvania too seriously. It is only a joke that he is attempting to perpetrate on the House.

Mr. COVINGTON. If the gentleman from Texas had been listening, he would have heard that I stated that I believed the gentleman from Pennsylvania [Mr. Moore] is usually clever when he was not serious, and I was going on to state that I did not presume any Member of this House would believe that the gentleman from Pennsylvania, with his knowledge about the navigation laws and the completeness of the use in them of the word "master," had offered his amendment in anything else than a spirit of levity, which he thought clever, and that the Democratic side of the House under the circumstances could let him have his little joke and refuse to consider the amendment otherwise.

Mr. MOORE of Pennsylvania. I would like to know whether the gentleman does not know that in the carpentry and building trades the term "master builder" is offensive to the journeyman? I will ask the gentleman from Pennsylvania [Mr. Wilson] if that is not true?

Mr. WILSON of Pennsylvania. Mr. Speaker, so far as the great bulk of the wageworkers of the country is concerned, they do not care what the term is. What they are opposed to is any man having any power over them unjustly. [Applause.]

Mr. MOORE of Pennsylvania. I ask the gentleman if it is not true that in the labor unions, with which he is familiar, the use of the term "master" has been objected to?

Mr. WILSON of Pennsylvania. Oh, there are some men who are opposed to the use of the term "master," just as there are some men who are opposed to the use of other terms, but the men who have delved sufficiently under the surface to understand the facts are not quibbling about any particular term. What they are insistent upon is that no man shall have unjust power over them, whether he be called a captain or a master.

Mr. MOORE of Pennsylvania. Then I would like the gentleman to explain why labor objects to it. What is the reason?

Mr. HARDY. Mr. Speaker, I do not wish to discuss the matter any further, though I suppose there might be somebody here who might object to the use of the term "master of art," or something of that sort. These little comedies come on, but they are taking up time, and I do not see anything else except a matter of humor in the gentleman's amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 11. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to other seamen."

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 14, line 22, by inserting after the word "seaman" the following:

"Provided, That nothing contained in this or any preceding section shall interfere with the order of any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children."

Mr. HARDY. Mr. Speaker, I would like to ask the gentleman to withhold that amendment. I think it is already covered in other provisions of the bill.

Mr. MOORE of Pennsylvania. I have looked over the bill and find nothing there that pertains to the protection of an abandoned or deserted wife and child. If it is in the bill of course I do not want to press the amendment.

Mr. HARDY. I will ask the gentleman to look at page 12, section b, line 24.

Mr. MOORE of Pennsylvania. I have read that section, and it does not cover the point proposed in the amendment.

Mr. HUMPHREY of Washington. I do not think it is covered.

Mr. MOORE of Pennsylvania. That leaves it entirely in the discretion of the seaman as to whether or not he shall make allotment to his wife and children. I propose that the seaman shall be liable to maintain his lawful wife and minor children. We give him the right to protect his wages against every kind of contract made, whether he is in his good senses or his bad senses, against his grocer or boarding-house keeper or the man who gives him employment. We protect him against his contract with every one of those, but we do not protect his wife and children who may be absolutely dependent upon him, and who may be left in port in destitution. I question whether the gentlemen on the other side can afford to leave this provision out of the bill. It appeals as much to the instincts of humanity as does the very title of the bill itself. The gentlemen can not afford, in my judgment, to pass a bill of this kind which exempts a wage earner from those obligations which he makes, not by a written contract, but before God, with his wife and children. You can vote this down, if you care to. I submit that the sailor, like any other man, must support his wife and children if he be lawfully wedded and if the children be his own. Gentlemen, it is up to the House.

The SPEAKER pro tempore. The question is upon the amendment offered by the gentleman from Pennsylvania.

Mr. HARDY. I would like to have the amendment read again.

The SPEAKER pro tempore. Unless there is objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. HARDY. We have no objection to the amendment.

The question was taken, and the amendment was agreed to.

#### BATTLESHIP "OREGON."

Mr. HAWLEY. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I ask unanimous consent to extend my remarks relative to matters concerning the battleship *Oregon*.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD regarding the battleship *Oregon*. Is there objection?

Mr. MANN. How long is it to be?

Mr. HAWLEY. About a half a column, possibly a little more.

The SPEAKER pro tempore. The Chair hears no objection.

#### LAWS RELATIVE TO SEAMEN.

Mr. McMORRAN. Mr. Speaker, I move to strike out the last two words, for the purpose of asking the chairman a question.

Mr. ALEXANDER. Mr. Speaker, I move that section 12 be passed informally.



Mr. McMORRAN. Will not the gentleman consent that sections 13 and 14 be passed? They are important sections.

Mr. ALEXANDER. Thirteen, 14, and 15 all relate to the imprisonment of deserters. I do not suppose the gentleman is in favor of human slavery.

Mr. McMORRAN. The gentleman is mistaken.

Mr. ALEXANDER. There is not any other question there except that relating to boys, and there is an amendment to be suggested.

Mr. HUMPHREY of Washington. I have an amendment to offer.

Mr. HARDY. We have one also.

Mr. McMORRAN. There is also section 14, as to the towing of more than one barge.

Mr. ALEXANDER. We want to offer an amendment to section 13.

The SPEAKER pro tempore. Does the gentleman request that section 12 be passed informally?

Mr. ALEXANDER. Yes, sir.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Has the amendment I offered been adopted?

The SPEAKER pro tempore. Yes; the amendment of the gentleman was adopted.

The Clerk read as follows:

SEC. 13. That every sailing or steam vessel shall carry in her crew a boy or boys, native of the United States, or one whose father or mother is a naturalized citizen of the United States, as follows: If she be 300 registered tons or more, but less than 1,500 registered tons, at least 1 boy; if she be 1,500 tons register or more, at least 2 boys or apprentices. Any vessel leaving any port of the United States without the boy or boys required by this section shall be liable to a penalty of \$100 for each offense: *Provided*, That this penalty shall not apply if, after reasonable diligence, the boy or boys required by this section could not be obtained.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment.

Mr. WILSON of Pennsylvania. Mr. Speaker, I offer a committee amendment.

Mr. HUMPHREY of Washington. I do not understand the gentleman has a committee amendment. Mr. Speaker, a parliamentary inquiry.

Mr. ALEXANDER. The gentleman from Pennsylvania is a member of the committee.

Mr. HUMPHREY of Washington. So am I a member of the committee, and this is not a committee amendment.

Mr. WILSON of Pennsylvania. I desire to make this explanation, Mr. Speaker, that in the original draft of this bill in the consideration of this bill for submission to the House this amendment was agreed to, and in the preparation of the report, through some inadvertence on our part, the amendment was omitted, and that is how it comes to be a committee amendment at this time.

Mr. HUMPHREY of Washington. Mr. Speaker, I submit it is not a committee amendment. We are both equally members of the committee. The Chair recognized me first to offer my amendment. I do not care to stand on my rights, but—

Mr. WILSON of Pennsylvania. I have not any objection—

Mr. HUMPHREY of Washington (continuing). I see no reason why the gentleman should have preference.

Mr. WILSON of Pennsylvania. I have no objection to the gentleman's amendment being considered first.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Washington? The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 16, line 21, after the word "apprentices" to insert:

"Such boys shall not be less than 14 years old nor more than 21 and shall perform such duties as the master of the vessel may direct, and shall be educated in the duties of seamanship and shall receive a reasonable compensation for their services."

Mr. WILSON of Pennsylvania. I have no objection to that. Mr. HUMPHREY of Washington. It simply makes the section mean something.

Mr. MANN. Mr. Speaker, I notice the language of the bill just ahead of where the amendment comes in says "at least two boys or apprentices." I do not understand that the word "boys" and "apprentices" are synonymous.

Mr. WILSON of Pennsylvania. That is the way it has been used in the statutes.

Mr. MANN. I think not.

Mr. WILSON of Pennsylvania. Perhaps not.

Mr. MANN. I want to inquire whether the gentleman considered them synonymous or whether his requirement only went to boys, or whether he intended to leave the existing law as to apprentices to apply, or whether he made a distinction in his

proposition between the requirement of the boy and the requirement of existing law as to apprentices?

Mr. WILSON of Pennsylvania. The understanding I have of it is that these boys are synonymous with apprentices under existing law.

Mr. MANN. Well, I do not know where the gentleman gets the understanding. The definition of "boy" is one thing, and the statutes define what an apprentice is on board ship. The use of the word "boy" on board ship is not uncommon. Sometimes he is a man 50 years of age. There is no reason for inserting two words meaning the same thing connected with the word "boy" in this bill, and the law provides what an apprentice is.

Mr. ALEXANDER. I think it ought to be "as apprentices," instead of "or." I am not sure, however.

Mr. MANN. I am not seeking to correct the gentleman, but the amendment being offered, it attracted my attention to it.

Mr. ALEXANDER. That is the purpose of it—that these boys should be there as apprentices.

Mr. MANN. Then, it would be better to change the word "or" to the word "as."

Mr. ALEXANDER. Then the statute, section 4500, would apply, which provides:

Every shipping commissioner appointed under this title (R. S., 4501-4613) shall, if applied to for the purpose of apprenticing boys to the sea service by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of 12 years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes 18 years of age. The shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

I think for that reason we should say "as apprentices."

Mr. MANN. I would suggest to the gentleman that that would not correct the difficulty.

Mr. ALEXANDER. It may not—

Mr. MANN. Except in that one place. Is this to be changed by the amendment offered to the language?

Mr. ALEXANDER. No.

Mr. MANN. This says here:

That every sailing or steam vessel shall carry in her crew a boy or boys—

If that means "apprentices," then you had better say "apprentices," because below you provide that certain vessels there shall have not less than one boy, and then on the other not less than two boys or apprentices. And if your language should not be changed it would be in the second case, "two boys or apprentices."

Mr. ALEXANDER. I think in both instances it ought to be changed.

Mr. MANN. Whoever is operating the vessel ought to know who is an apprentice, because the statute—

Mr. ALEXANDER. They ought not to take a boy without the consent of a parent or guardian.

Mr. MANN. Very properly they ought not; but the manager of the vessel ought to know.

Mr. ALEXANDER. After the word "boys," in line 16, if the words "as apprentices" were inserted, it would correct it.

Mr. MANN. I think so.

Mr. ALEXANDER. And, in line 21, strike out the word "or" and insert the word "as." Mr. Chairman, I move to amend—

Mr. MANN. The amendment of the gentleman from Washington [Mr. HUMPHREY] is pending.

Mr. ALEXANDER. I thought it had been agreed to.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Washington [Mr. HUMPHREY].

Mr. MANN. Let us see before we agree to that as to the language you want to use.

Mr. HUMPHREY of Washington. If the gentleman will yield, I will call the gentleman's attention to the fact that the law of 1891, under which we have been operating for a good many years, uses the terms "cadets or apprentices" and it seems to me it would be as well to use the word "apprentices" in order to make it definite as to what should be done.

Mr. COVINGTON. I suggest to the chairman of the committee that, beginning on line 20, he should strike out the word "boy" and insert "apprentice." The section would then read in entire harmony with existing law.

Mr. ALEXANDER. If you will read section 4500 you will find that the language of the law is that the boy's parents or guardian of such boys shall give their consent to such apprenticeship. Those are the words of the existing law. In other words, the word "apprentice" has a restricted meaning under section 4500 and refers to boys.

Mr. WILSON of Pennsylvania. But it is not simply to provide for apprentices. It is meant for the purpose of providing for the American boy becoming an apprentice. Now, the gentleman from Illinois has just called attention to the fact that so far as the meaning of the word "apprentice" is concerned it might apply to any person of any age who is learning any particular line of industry. The purpose of this section is to make a provision for American boys as apprentices.

Mr. COVINGTON. But the gentleman also understands that the gentleman from Illinois [Mr. MANN] very accurately said that the words "ship's boy" has a meaning entirely inconsistent with the word "apprentice," and you may find ship's boys 50 years of age performing the work of a ship's boy.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the amendment of the gentleman from Washington be read. The amendment was again read.

Mr. MANN. Mr. Speaker, in reference to the age, an apprenticeship runs a certain length of time. Does the gentleman mean 21 years at the end of the apprenticeship or 21 years at the beginning?

Mr. HUMPHREY of Washington. Twenty-one years at the beginning.

Mr. MANN. Why not say 21 years of age when apprenticed?

Mr. ALEXANDER. The statute, section 4509, says from 12 to 18.

Mr. HUMPHREY of Washington. From 12 to 18?

Mr. ALEXANDER. Yes.

Mr. MANN. That is what I thought, but I did not see any objection.

Mr. WILSON of Pennsylvania. I have no objection to making it from 14 to 21.

Mr. MANN. Will not the gentleman insert there then—

Mr. MOORE of Pennsylvania. I would like to suggest to the gentleman that he permit an amendment to the amendment raising the lower limit from 14 to 16. There are a good many States in the Union where boys are not allowed to work in factories—

Mr. MANN. This will not be a sweatshop.

Mr. HUMPHREY of Washington. I want to ask unanimous consent to insert, after the word "twenty-one," the words "when apprenticed."

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to modify his amendment by inserting certain words.

Mr. MANN. At the age when apprenticed.

Mr. HUMPHREY of Washington. I would like to have the amendment again reported with the modification.

The Clerk read as follows:

Such boy shall not be less than 14 years old nor more than 21 when apprenticed.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have an amendment.

Mr. ALEXANDER. Mr. Speaker, after the word "boys," in line 16, I ask to insert the words "as apprentices," and, in line 21, strike out the second word "or" and insert the word "as."

Mr. COVINGTON. Let me call the gentleman's attention to the fact that in line 21 that must also occur.

Mr. MANN. Strike out "or apprentices." If you insert the word "apprentices" above that, it means the same thing.

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. ALEXANDER] repeat his amendment?

Mr. ALEXANDER. In line 16, after the word "boys," insert the words "as apprentices," and, in line 21, strike out "or apprentices."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 16, page 16, amend by inserting, after the word "boys," the words "as apprentices," and, in line 21, strike out the word "or" after the word "boys" and insert the word "as" in lieu thereof.

The SPEAKER pro tempore. Does the gentleman desire to strike out the words "or apprentices"?

Mr. ALEXANDER. Yes.

The SPEAKER pro tempore. Unless there is objection, it will be so ordered.

There was no objection.

Mr. HARDY. Mr. Speaker, I think it will be proper and perhaps necessary, in line 15, to offer an amendment to make this provision specially applicable to the vessels of the United States, by inserting after the word "vessel," in line 15, page 16, section 13, the words "of the United States," so that it

will read, "that every sailing or steam vessel of the United States shall carry in her crew a boy or boys."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY]. The Clerk read as follows:

Line 15, page 16, after the word "vessel," insert the words "of the United States."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HARDY. Along the same line, Mr. Speaker, I wish to insert in line 22, before the word "vessel," the word "such," so as to show that it is a vessel of the United States.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY]. The Clerk read as follows:

Amend, line 22, page 16, by inserting before the word "vessel" the word "such."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WILSON of Pennsylvania. Mr. Speaker, I sent an amendment to the Clerk's desk some time ago. It has not yet been acted upon.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. WILSON].

The Clerk read as follows:

Amend, line 15, page 16, by inserting between the words "sailing" and "or," in said line, the words "vessel engaged in the foreign or offshore trade."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MANN. That would make it read:

That every vessel engaged in the foreign or offshore trade or steam vessel shall carry in her crew a boy or boys, etc.

Mr. WILSON of Pennsylvania. It applies to the sailing vessels engaged in the offshore trade.

Mr. HUMPHREY of Washington. There are no sailing vessels in any other trade, anyway, are there?

Mr. WILSON of Pennsylvania. There are some; a few.

Mr. MOORE of Pennsylvania. Mr. Speaker, I want to ask the gentleman from Texas [Mr. HARDY] whether he had not better insert the words "of the United States" after the word "vessel." It is an entirely new paragraph.

Mr. WILSON of Pennsylvania. I have no objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to the amendment offered by the gentleman from Pennsylvania [Mr. WILSON].

The Clerk read as follows:

Amend the amendment by inserting after the word "vessel" the words "of the United States."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. MOORE of Pennsylvania. That is the subject we discussed the other day. It is a new paragraph entirely, and you want to designate the vessel properly. I offer as an amendment that the words "of the United States" be added, following the word "vessel."

Mr. HUMPHREY of Washington. What is the purpose of the amendment? I want to ask that question of the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. The purpose is to except sailing vessels, other than those engaged in the foreign trade, from being required to carry one of these boys.

Mr. HUMPHREY of Washington. Why does the gentleman think they ought to be excepted?

Mr. WILSON of Pennsylvania. Because there are a great many small vessels along the coast.

Mr. HUMPHREY of Washington. Yes; but you limit the tonnage anyway. You say, "300 tons register or more." I do not really see the reason for this.

Mr. WILSON of Pennsylvania. That is the purpose of the amendment. That is why it is offered.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WILSON] as amended by the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. HUMPHREY of Washington. Mr. Speaker, we ought to have a division on that. I can not see the purpose of it.



Mr. MOORE of Pennsylvania. Mr. Speaker, can we not have the amendment read again?

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

That every sailing vessel engaged in the foreign or offshore trade or steam vessel of the United States shall carry in her crew a boy or boys as apprentices, native of the United States.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I am utterly unable to see any reason why this exception should be made. These sailing vessels in the coastwise trade that go up and down our coast are the best means we have of training our boys. I can not see why they should escape any burden. I can not see any reason for it at all. I think the amendment should be voted down. Let us treat them all alike.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. McMORRAN. Mr. Speaker, I have an amendment. I want my amendment to follow, on page 17, line 2, after the word "obtained."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. McMORRAN].

The Clerk read as follows:

On page 17, at the end of line 2, after the word "obtained," insert the words "that nothing in this section shall apply to the Great Lakes."

Mr. McMORRAN. Mr. Speaker, we have on the Great Lakes a considerable number of small barges engaged in the coal trade, varying from 500 to 1,500 tons capacity, running to Ohio ports, and Canadian ports, and Michigan ports as well.

Now, the theory of this section, as I understand it, is to build up the merchant marine, and the imposition on these barges of the burden of placing another boy or two boys on the barges does not tend to build up the merchant marine, and it is only a burden upon these small shipowners.

Mr. ALEXANDER. The gentleman wants to exempt what class?

Mr. McMORRAN. These small barges carrying anything on the Great Lakes.

Mr. ALEXANDER. Why does the gentleman want to exempt them? Why not limit them to the barges?

Mr. McMORRAN. I want all barges exempted engaged in that trade.

Mr. ALEXANDER. Does the gentleman refer to freight steamers?

Mr. McMORRAN. No; I refer to barges.

Mr. WILSON of Pennsylvania. What is a barge?

Mr. McMORRAN. A barge is sometimes called a vessel.

Mr. WILSON of Pennsylvania. Are they sailing or steam vessels?

Mr. McMORRAN. They are what might be called a sailing vessel, towed by a steam vessel. They were originally schooners, and after the sailing vessels passed out of existence they were converted into barges. They have two masts, as a rule, and they carry all the way from 500 to 1,000 or 1,500 tons of freight. I may say in that connection that they are carrying coal at 30 or 35 cents a ton.

Mr. ALEXANDER. Why not say that this shall not apply to barges in tow on the Great Lakes?

Mr. McMORRAN. That is all right.

Mr. ALEXANDER. A barge is a dangerous place, and boys ought not to be required there.

Mr. HUMPHREY of Washington. I do not think the Great Lakes ought to be excepted.

Mr. ALEXANDER. Barges in tow.

Mr. MOORE of Pennsylvania. The gentleman wants to except barges engaged in the Lake traffic?

Mr. McMORRAN. When towed by steamers.

Mr. MOORE of Pennsylvania. Does not the gentleman think this would be a very harsh restriction if enforced with regard to tugboats plying on rivers?

Mr. ALEXANDER. The act does not apply to rivers, to begin with; but we are going to suggest to the gentleman from Michigan [Mr. McMORRAN] that he offer his amendment so as to make its exceptions apply generally, not only to the Great Lakes, but to the ocean as well.

Mr. WILSON of Pennsylvania. In other words, that it shall not apply to barges in tow, whether upon the Great Lakes or at

sea. A barge in tow is a dangerous place for a boy, or any man who is not familiar with that employment, and whether on the Great Lakes or at sea, a boy should not be required on a barge in tow.

Mr. McMORRAN. I am perfectly willing to accept that amendment.

Mr. MOORE of Pennsylvania. Does the gentleman accept the inclusion of the word "tugboats"?

Mr. McMORRAN. There is no objection to that.

Mr. MOORE of Pennsylvania. Tugboats or boats in tow.

Mr. ALEXANDER. I suggest that this shall not apply to tugboats or barges in tow.

Mr. MOORE of Pennsylvania. That would cover it.

The SPEAKER pro tempore. Does the gentleman wish to amend the amendment?

Mr. McMORRAN. I do. I accept the suggestion of the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Let the Clerk report the amendment as now modified.

The SPEAKER pro tempore. If there be no objection, the amendment will be reported as modified.

The Clerk read as follows:

That nothing in this section shall apply to tugboats or barges in tow.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That towing of more than one barge or other vessel 50 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

Mr. McMORRAN. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I should like some further information as to section 14 and why the prohibition is necessary in that case? I might say for the gentleman's information that on the Great Lakes at the present time no tugboat or steamer is permitted to tow more than two barges on account of a rule made by the insurance companies refusing to insure the cargoes where more than two boats are towed. As the towing of barges through the Lakes is now done, there are very few of them that have sails that would amount to anything if they got out in a seaway. Places of safety on the Great Lakes are close at hand, and I can not see any necessity of applying this provision to them.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that the reading of the section has not been completed.

Mr. MANN. Yes; the reading was completed.

The SPEAKER pro tempore. The Clerk concluded the reading of section 14.

Mr. MOORE of Pennsylvania. The part of the section contained in lines 10 to 16, inclusive, on page 17, has not been read.

Mr. MANN. That is a part of section 15, and there is a committee amendment proposing to strike out the first two lines of it.

Mr. MOORE of Pennsylvania. Section 15 does not begin there. It begins at line 17.

Mr. McMORRAN. Mr. Speaker, I can not see any necessity for imposing a penalty upon these barges for not carrying sails.

Mr. ALEXANDER. Mr. Speaker, I will say that representatives of the barge owners and barge operators were before the committee, and we amended it to harmonize with their views. In its amended form they have no objection to it. I call the gentleman's attention to the fact that the section provides that the towing of more than one barge or other vessel 50 miles or more through the open sea is prohibited, unless such barges or vessels so towed are provided with sails or other motive power and a crew sufficient to manage such barges or vessels. We amended it so as to read "sail or other motive power" because they all agreed that in the interest of safe navigation, in the interest of the protection of the lives of those on the barges, they should be equipped with sails or some other motive power for use in the event of a hawser breaking and the barge drifting at sea.

Mr. McMORRAN. Would not the gentleman consider the word "motive" to apply to the boat that was towing the barges?

Mr. ALEXANDER. No. The barges must be equipped with motive power, either sail or of some other kind of motive power, so that if the hawser breaks, and they are cast adrift, the cargo and the sailors aboard will have some protection, and can navigate the barge, and also that the barge and the sailors may be protected.

Mr. McMORRAN. A barge with a sail they would carry would be small protection if it broke loose.

Mr. ALEXANDER. I am not familiar enough with the situation to say.

Mr. McMORRAN. There is this feature about it, that those tow barges, where the insurance companies carry the insurance

on the cargo, have all to pass a rigid inspection. Every hawser has to be passed on, and the lines aboard have been passed on, before the insurance companies will take the risk.

Mr. WILSON of Pennsylvania. If I understood the gentleman correctly, he said that it was impossible to get insurance on more than two barges in tow on the Great Lakes.

Mr. McMORRAN. The gentleman misunderstood me. I said it was impossible to get insurance on their cargoes where more than two boats were towed behind one steamer.

Mr. WILSON of Pennsylvania. It was impossible to get insurance on the cargo?

Mr. McMORRAN. Yes.

Mr. WILSON of Pennsylvania. Is not that itself an admission that the insurance companies consider the danger of towing to be exceedingly great, and greater in proportion as the number of barges are increased?

Mr. McMORRAN. Oh, I do not think so.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McMORRAN. I ask unanimous consent to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McMORRAN. Insurance companies do not require the sails on the mast, and if they considered it hazardous without the sail, I should think they would impose that restriction.

Mr. WILSON of Pennsylvania. And consequently the necessity for there being sufficient sail or some other motive power, not only to protect the cargo if the hawser breaks, but to protect the crew as well.

Mr. McMORRAN. I do not think there would be very much risk with the crew on the barges on our Great Lakes.

Mr. WILSON of Pennsylvania. There would be just as much, or nearly as much, risk to the crew as to the cargo.

Mr. McMORRAN. We have a great many boats there that are running a short distance—for instance, from Cleveland to Detroit or Cleveland to Port Huron or Cleveland to Goderich, on the Canadian shore.

Mr. WILSON of Pennsylvania. This makes a limit of 50 miles.

Mr. McMORRAN. The distance is greater than that.

Mr. MOORE of Pennsylvania. Mr. Speaker, the purpose of this amendment is one of the best features of this measure, if it is made effective. There is great danger to navigation along the Atlantic seaboard, and I presume there is upon the Pacific coast, from vessels in tow at sea, particularly in time of storm, in the dark, or during a fog. A vessel having in tow three colliers, for instance, would have the cable line continued probably a mile or two beyond the original towboat, thus endangering any vessel that has to cross the lines, but I am unable to ascertain from a careful reading of this section whether it is intended that the number of barges in tow shall be limited to one or whether there still may be in tow two or more barges, provided that those barges are properly manned and have a sailing or engine equipment.

Mr. WILSON of Pennsylvania. Mr. Speaker, there is nothing in this bill that limits the number of barges that may be in tow. What it provides for is a sufficient sail or motive power and crew to man the vessel if it is cast adrift. So far as this bill is concerned, it makes no limitation.

Mr. MOORE of Pennsylvania. It reads that the towing vessel may have in tow not more than one barge or other vessel except under certain conditions.

Mr. WILSON of Pennsylvania. Except under certain conditions prescribed.

Mr. MOORE of Pennsylvania. And if those conditions are with regard to the safety of the men and sailing equipment or engine, then a towboat can have in tow two or three vessels, as is the custom now.

Mr. WILSON of Pennsylvania. I can not say positively, but my recollection is that we have at the present time a statute limiting the number of barges that can be in tow.

Mr. MOORE of Pennsylvania. There is a demand for the abolition of that system of towing at sea. I do not know whether it was in the mind of the committee to abolish it or not, but apparently the bill does not do it. You can still go on and have a tow two or three barges in length under this bill, which, of course, is a menace to navigation.

I would like to ask the gentleman, because I thought we were still considering section 14, why the towing of log rafts or lumber rafts on the coast line is eliminated. Surely if there is danger to navigation from a tow line of vessels that are properly manned and equipped, there would be very much more danger to navigation from logs of rafts that might be floating in the ocean.

Mr. ALEXANDER. Mr. Speaker, I will state to the gentleman that the Congress has not been remiss in protecting the life on barges. In the act of May 28, 1908, this whole question was legislated upon and an inspection of barges provided for. The law provides that barges shall be equipped with certain appliances approved by the board of supervisors and at least one lifeboat and one anchor and a suitable chain and cable and at least one life preserver for each person on board.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, I have done with the question of the towboats in line. I was inquiring about the rafts, and why in this bill the committee had eliminated that measure of protection against rafts which would seem to be necessary for the safety of navigation.

Mr. ALEXANDER. So far as the hearings before the committee showed, there were no rafts of consequence, except on the northwest coast, and we struck it out for this reason: The testimony was overwhelming that rafting logs on the northwest coast did not interfere with or imperil navigation.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to be permitted to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to know what precautions are taken with regard to manning of rafts which now pass up and down the coast, this provision being stricken out of the bill. May rafts be towed in barge form as vessels may? Are they to be properly protected by crews, or other safeguards and restrictions, or are they to continue to float in the sea, a menace to navigation? If the gentleman does not care to answer, I am perfectly content.

Mr. RAKER. Will the gentleman yield?

I want to know why we are discussing provision 15 when we have not come to it. It seems to me that ought to be taken up separately.

Mr. MOORE of Pennsylvania. I did it merely as a matter of convenience and—

Mr. ALEXANDER. Is there any amendment pending to section 14? If not I will ask the Clerk to proceed.

Mr. RAKER. Just a moment.

Mr. MANN. I move to strike out the last two words.

The SPEAKER pro tempore. The gentleman from California has the floor.

Mr. MANN. How does the gentleman get it? He has nothing pending and I offer a motion.

The SPEAKER pro tempore. As the gentleman from California has no amendment the gentleman from Illinois is recognized.

Mr. MANN. I would like to ask the gentleman, if I may—if the gentleman from California desires to talk about section 14 I am perfectly willing to yield to him.

Mr. RAKER. We have another provision in lines 10 to 16, and while you are amending section 15 you ought to incorporate the provisions of lines 10 to 16 in this provision rather than ask unanimous consent to return to section 14.

Mr. MANN. Not at all, if we strike it out, it becomes part of section 14. Is the gentleman from Missouri able to give a definition of what a barge is?

Mr. ALEXANDER. I think the law defines it.

Mr. MANN. For instance, we have on the Great Lakes, as we have at other places, car ferries where a steamboat tows those ferryboats across the Lakes with railroad cars on them which pass from one railroad to another. Of course it is perfectly out of the question to put sails on them or steam on them, and I want to know whether they are covered by the term "barge"?

Mr. ALEXANDER. They are not in tow.

Mr. MANN. They are in tow, as far as that is concerned.

Mr. MADDEN. They call them scows, do they not?

Mr. MANN. I do not know what they call them, but what are they under the law? Are they covered by this provision?

Mr. COVINGTON. If the chairman will permit me, I will state to the gentleman from Illinois that the existing law, as I understand it, already creates a definite limitation for barges. I have had occasion to go into that with the Commissioner of Navigation in connection with another bill which has been recently pending, and I understand that barges are a well-recognized class of boats. They are boats used for carrying cargoes in tow, and no other vessels are recognized under the existing navigation laws as barges.

Mr. MANN. Then car ferries would not be barges.

Mr. COVINGTON. I am sure they are not within the meaning of existing law.

Mr. MADDEN. They are scows.



The Clerk read as follows:

Sec. 15. That the towing of log rafts or lumber rafts 50 miles or more through the open sea is hereby prohibited.

Any person, firm, or corporation violating the provisions of this or of the preceding section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment for not less than 90 days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to amend by striking out the words—

Mr. ALEXANDER. Mr. Speaker, there is a committee amendment to be considered first.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 17, strike out all of lines 8 and 9, as follows:

"Sec. 15. That the towing of log rafts or lumber rafts 50 miles or more through open sea is hereby prohibited."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 17, line 11, strike out the words "or of the preceding."

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer an amendment. On page 17, line 13, after the word "dollars," strike out the words "nor less than \$500," and in line 14 the words "less than 90 days nor," so that it will read, "shall be punished by a fine not exceeding \$2,500, or by imprisonment for not more than one year." I understand that is in harmony with the statutes generally now, and I think it ought to be that way.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, lines 13 and 14, strike out the words "nor less than \$500."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 17, line 14, strike out the words "less than 90 days nor."

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Speaker, now I move to strike out the last word for the purpose of asking a question, or rather to make a statement. I want to ask the gentleman in charge of the bill, as the next two sections deal with our treaties, while it will not take very long to discuss them, it seems to me that it is very important, if we are going by statute to abrogate all the existing treaties with commercial nations, that we have more Members present. Would not the gentleman consent we might now adjourn and then have a quorum here when we can finish up this bill? I do not believe we will make any time by considering it now. There ought to be more Members present than there are now when we consider a question so important.

Mr. ALEXANDER. It is a mere matter of taking steps to abrogate the treaties.

Mr. MANN. Would it not be well, if these matters go over, to see if we can not get amendments that are to be offered printed for information so we will know what they are to be?

Mr. HUMPHREY of Washington. I have no objection to offering amendments which I have to sections 15 and 16. I have no objection to offering them and have them printed for information and let them go over.

Mr. MANN. Suppose we read section 15 and then let amendments be offered for information.

Mr. BATHRICK. Mr. Speaker, I make the pro forma amendment to strike out the last word.

The SPEAKER. That amendment is already pending.

Mr. BATHRICK. I move to strike out the last two words, then.

Mr. HUMPHREY of Washington. I will withdraw my amendment, and then the gentleman can have it.

Mr. BATHRICK. Mr. Speaker, the employees of vessels to which this bill particularly applies—and which is so long and voluminous it has required the attention of some of the best minds of this House for a long period of time in order to elucidate it and make it plain—are, many of them, far removed from the means of acquiring information regarding the rights that this bill is expected to give to them. Many of them are for months and weeks separated from all avenues of information, far out upon the ocean and upon our Great Lakes. They have not the facilities for acquiring information in respect to this remedial measure that men on shore have. Therefore I arose to ask the gentlemen in charge of this bill if they do not think it wise to incorporate as a separate section this amendment. I will not attempt to offer it, but I desire to call it to their attention merely as a matter of suggestion. It is as follows:

That the Attorney General of the United States shall place his construction, in brief, upon the provisions of this act applying to seamen, and in plain language; and cards, upon which this construction is

plainly printed, shall be conspicuously posted where they can be read by the employees in at least three places upon all vessels to which this act applies.

I rather think it is quite necessary, Mr. Speaker, that such a section should be incorporated in this bill. What do the gentlemen in charge think of such an amendment?

Mr. ALEXANDER. The gentleman can offer it, if he wishes, and we will take it under consideration. It is quite unusual to post any law or statute as a rule of action.

Mr. BATHRICK. I understand that people are supposed to know the law, but here would be a law that applies to a class of people that have less means of knowing the law than any other people on earth, and those who would infringe it to the detriment of some poor fellow more opportunity than any other.

Mr. WILSON of Pennsylvania. Would the interpretation of the Attorney General, if this is placed in the statute, be the interpretation that would have to go in the courts?

Mr. BATHRICK. It was not my intention to imply that at all. I have assumed that the Attorney General would be the one to place a tentative interpretation upon it, which would only be his construction.

Mr. HARDY. If the gentleman will yield, I just want to say that, so far as the seamen to whom this law would apply are concerned, they have been working with Congress for 15 or 20 years, and they have had their representatives here during the entire session of this Congress. They have their coast seamen journals and other journals that discuss these measures, and I do not know of a class of people in the United States who take more interest in legislation concerning their own interests and who are better informed than they. And the gentleman is mistaken about their being misinformed.

Mr. BATHRICK. I am a friend of the bill, and I would not say for a moment that they are in any respect inferior in ability to any other class of people. I know they are well informed. I simply said that they were removed from avenues of intelligence such as no other class of people are; that they are more liable to be imposed upon at sea than those on shore.

Mr. HARDY. But I wanted to give the gentleman information which he probably did not have—

Mr. BATHRICK. As a matter of fact, is it not true that a great interest has been taken by a few men who are the very able leaders of these men, and the rank and file may not be posted?

Mr. HARDY. The leaders are in daily communication with them by telegrams and hundreds and thousands of letters coming in to them every day in reference to the matter.

Mr. BATHRICK. I am willing to concede that the amendment should not be in the bill, if the gentlemen who have charge of it think so. I simply offer it as a suggestion.

Mr. MANN. Will the gentleman yield for a question?

Mr. BATHRICK. Certainly.

Mr. MANN. Just what does the gentleman mean by having the Attorney General construe the law?

Mr. BATHRICK. I meant by that to have him construe it in abbreviated language his way. I did not mean that he would be a court of last resort, by any means.

Mr. MANN. Does the gentleman mean to have the Attorney General put in other language than what is in this law?

Mr. BATHRICK. I meant to imply by this suggestion that the Attorney General would be the proper person to abbreviate this law and make a construction that everybody could understand.

The SPEAKER. The time of the gentleman from Ohio [Mr. BATHRICK] has expired.

Mr. MANN. Mr. Speaker, I ask for two minutes.

Mr. BATHRICK. Why prolong the controversy when I yield to the wisdom of the men in charge of the bill, that the suggestion is not apropos?

Mr. MANN. We are very glad to know that, because the little conversation that the gentleman was carrying on with the gentleman from Texas [Mr. HARDY] was not heard on this side of the House.

Mr. BATHRICK. My voice is usually so loud that I thought that the gentleman could hear.

Mr. HARDY. I thought we were speaking loudly enough.

Mr. MANN. We could not hear.

Mr. BATHRICK. I will try to make the gentleman hear next time.

The SPEAKER. The gentleman from Ohio [Mr. BATHRICK] withdraws his pro forma amendment, and likewise the gentleman from Washington [Mr. HUMPHREY].

Mr. ALEXANDER. Mr. Speaker, I suggest that we read sections 15 and 16; and if gentlemen have any amendments to offer, they can be offered and read. I ask unanimous consent, Mr. Speaker, that that be done.

Mr. MANN. Suppose you read only the one section. Suppose you read section 15 and then rise.

Mr. ALEXANDER. I want to offer a few suggestions of amendments to sections that we have passed over.

Mr. MANN. For printing in the RECORD?

Mr. ALEXANDER. Yes.

Mr. MANN. Let section 15 be read.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that certain amendments be offered by the gentleman from Washington [Mr. HUMPHREY] and others and printed in the RECORD.

Mr. MANN. And he himself desires to offer some. I suggest to the gentleman from Missouri that he ask unanimous consent that any gentleman who may have amendments to offer be allowed to offer them and have them printed in the RECORD.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that any gentleman who has amendments to offer may have them printed in the CONGRESSIONAL RECORD to-morrow morning.

Mr. WILSON of Pennsylvania. Mr. Speaker, I would like to ask that that should also apply to section 12.

Mr. MANN. As stated, it would apply to all of the sections.

The SPEAKER. It will apply to all of them. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, I would like to know if that will prejudice amendments to be offered by other gentlemen?

The SPEAKER. The Chair can answer that now. It will not prejudice amendments offered by other gentlemen. The section will be read.

Mr. MADDEN. Mr. Speaker, I offer an amendment to section 12, which I send to the Clerk's desk to be read.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that when it comes time to consider it it will have to be read anyhow. What is the use of reading it now? I have an engagement, and I want to go.

Mr. ALEXANDER. We are going to move to rise presently. Let the Clerk read the section.

The SPEAKER. The Clerk will read the section.

The Clerk read as follows:

SEC. 16. That section 5280 of the Revised Statutes of the United States be, and is hereby, repealed, and that section 4081 be amended by adding at the end thereof the following proviso: "Provided, That this section and the foregoing sections, 4079 and 4080, shall in no case be held or construed to require or authorize the arrest, imprisonment, or delivering up of any deserter or deserting seaman to the vessel from which he has deserted unless the application in writing required thereby shall allege, and on examination it be made to appear, that such deserter or deserting seaman has been guilty on board of such vessel of some act or omission which is a criminal offense under the laws of the foreign nation to which such vessel belongs other than having withdrawn or being about to withdraw himself from the control and discipline of the master and officers of the vessel. That all treaties in conflict with this act be, and are hereby, abrogated, and the President of the United States is required at once to so notify every nation having any such treaty."

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Missouri [Mr. ALEXANDER] now that—

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish to offer an amendment to that section.

The SPEAKER. The gentleman will send it up to the Clerk's desk.

Mr. MANN. I will suggest to the gentleman from Missouri [Mr. ALEXANDER] that there is no quorum present, if that is necessary. I thought the gentleman from Missouri was going to move to rise.

The SPEAKER. If any gentleman has an amendment to offer to this bill, he can mark it and send it up to the Clerk.

Mr. MOORE of Pennsylvania. But not discuss it?

The SPEAKER. Not discuss it or read it.

Mr. MANN. Just put it in the RECORD.

The SPEAKER. Yes; put it in the RECORD, to be printed for information. The amendments offered will be considered as pending.

Mr. ALEXANDER. Mr. Speaker, I am reluctant to move to adjourn, as the majority leader requested to be notified.

Mr. MOORE of Pennsylvania offered the following amendment:

Page 18, line 12, after the word "treaty," add the following: "Provided, That nothing herein contained shall prevent the arrest and deportation of any person who shall come to the United States upon any vessel in violation of the immigration laws of the United States."

Mr. MADDEN offered the following amendment:

Amend, page 16, line 9, by striking out the words "and shall" and substituting in lieu thereof the word "or."

Mr. ALEXANDER offered the following amendments:

Amend, by inserting after the word "States," in line 10, page 2, the words "navigating the ocean and the Great Lakes and on voyages of more than 12 hours' length."

Amend, by adding at end of line 14, page 15, "who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce and Labor."

Mr. AYRES offered the following amendment:

On page 15, line 3, after the word "by," strike out the words "the officers" and insert in lieu thereof the words "an officer."

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Was the point of no quorum made?

Mr. MANN. Oh, no; only a suggestion.

The SPEAKER. Has any gentleman any motion to make?

#### ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, July 26, 1912, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 25891) for the relief of James E. C. Covell, reported the same without amendment, accompanied by a report (No. 1064), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. LAFFERTY: A bill (H. R. 25971) for the acquisition of a site and the erection thereon of a public building at St. Johns, Ore.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25972) to amend section 5 of an act of Congress approved August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide for the regulation by the State or States in, through, or between which navigable rivers flow of the drawbridges now built or hereafter to be built across such rivers; to the Committee on Rivers and Harbors.

By Mr. BURKE of Wisconsin: A bill (H. R. 25973) to increase the limit of cost for the post-office building heretofore authorized at Fort Atkinson, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: A bill (H. R. 25974) to provide for an appropriation of \$10,000 for the building of a public road through the Medicine Bow Forest Reserve, Colo.; to the Committee on Appropriations.

By Mr. NEELEY: A bill (H. R. 25975) appropriating \$50,000, or so much thereof as may be necessary, for the purpose of making a survey and an investigation into the feasibility and practicability of constructing an irrigation system from a point on the Missouri River in eastern Montana, at or near the place where the forty-seventh parallel crosses the one hundred and eighth meridian, thence going in a general southeasterly direction to a point where the thirty-seventh parallel crosses the one hundredth meridian on the boundary between the States of Kansas and Oklahoma; to the Committee on Irrigation of Arid Lands.

By Mr. ROBINSON: Resolution (H. Res. 639) for printing as a document 500 copies of the report of the Secretary of the Interior dated June 7, 1912, and accompanying papers on H. R.



24737, authorizing an investigation of the waters of the hot springs of Arkansas; to the Committee on Printing.

By Mr. ROBERTS of Massachusetts: Resolution (H. Res. 640) authorizing the Interstate Commerce Commission to investigate freight charges on articles classed as luxuries; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Resolution (H. Res. 641) appropriating money for the payment of Richard C. Collins for services in computing the mileage of Members and Delegates; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25976) granting a pension to Frank M. Freeman; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 25977) for the relief of Michael Foley, alias John Griffin; to the Committee on Military Affairs.

By Mr. DOREMUS: A bill (H. R. 25978) granting an increase of pension to Riley Denman; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 25979) granting an increase of pension to William H. H. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25980) granting a pension to George Brooks; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 25981) granting a pension to Nora A. Kitchen; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25982) granting a pension to Anna J. Sampson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25983) granting an increase of pension to Thomas Conroy; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 25984) for the relief of the heirs of Ellery B. Wilmar; to the Committee on the Public Lands.

By Mr. PEPPER: A bill (H. R. 25985) granting a pension to Sophia W. Sterrett; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25986) granting an increase of pension to James Ripley; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25987) to grant an annuity to Annie Neate; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the International Dredge Workers' Protective Association, Local No. 3, of Toledo, Ohio, favoring passage of House bill 1373, relative to men building, etc., Government rivers and harbors; to the Committee on War Claims.

By Mr. BARTLETT: Petitions of H. C. Turner, W. L. Adams, and others, of Riverdale, Ga., protesting against the passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of two members of the Daughters of Liberty, of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Simpson-Crawford Co., of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of New York Typographical Union, No. 6, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Papers with reference to fixed prices on patented articles; to the Committee on Patents.

Also, petition of Photo-Engravers' Union No. 1, New York, protesting against the passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Oliver Bros., of Rockford, Ill., protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Petition of Washington Camp, No. 247, Patriotic Order Sons of America, Landingville, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Central Labor Union of Brooklyn, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petition of the Southern California Wholesale Grocers' Association, of Los Angeles, Cal., protesting against the coinage of a one-half cent piece; to the Committee on Coinage, Weights, and Measures.

By Mr. TALBOTT of Maryland: Petition of citizens of Baltimore, Md., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petition of the Central Labor Union of Brooklyn, N. Y., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

#### SENATE.

FRIDAY, July 26, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request by Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4930) to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 1739. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national cemeteries;

H. R. 12375. An act authorizing Daniel W. Abbot to make homestead entry;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River, at or near Cotter, Ark.;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, et al., all of Allegheny County, Pa.;

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;